An Evening Paper of Saturday has the following List of the Changes that are to take Place this Week, which we have laid before our Readers, though we don't pretend to vouch for the Truth of it. Jan. 1770

Lord Chancellor, Mr. Yorke; Lord Camden to be created an Earl.

Lord President, Lord Hertford; Ld. Gower to be Lord Lieutenant of Ireland.

Lord Privy Seal, Earl of Chatham; to be created a Duke, and, by the Emperor, a Prince of the Empire, for the great comprehenſive Plan of the political Syſtem of Europe, and of reuniting the diſmembered Provinces of the Empire.

Lord Steward, Lord Briſtol; Earldom of Talbot to deſcend to the preſent Earl's Daughter and her Heirs Male.

Marquis of Rockingham to be created an Engliſh Duke.

Duke of Portland, firſt vacant Garter.

Lord Shelburn, an Iriſh Dukedom.

Lords of the Treaſury, Duke of Grafton, Lord North, Lord Dartmouth, Lord J. Cavendiſh, Mr. J. Grenville; Mr. Jenkinſon, Plenipotentiary to the Army of the Empire that is to aſſemble at Franckfort in March.

Secretaries of State, Earl of Rockford, Earl of Egmont; Lord Weymouth to be appointed Ambaſſador to France; Earl of Egmont to be created an Engliſh Peer.

Secretary of State for America, Earl of Hillſborough.

Lords of Trade, Viſcount Clare, Hon. Mr. Robinſon, Mr. S. Conway, Mr. Fox, Mr. D—r, Mr. R—y—e, Mr. F. M—t—ue, Mr. F—h—t.

Lords of the Admiralty, Earl of Halifax, Ld. C. Spencer, Viſ. Palmerſton, Mr. J. York, Mr. T. Pitt, Admiral Keppel, Sir Percy Bret; Sir Ed. Hawke to be created a Peer; Mr. C. Townſhend, Plenipotentiary upon the Upper Rhine.

Vice Treaſurers, Hon. Mr. C. Fox, Colonel Barre, Mr. Bourke.

Mr. Dowdeſwell, to be created a Baronet, with the Reverſion of the Hanaper Office to his eldeſt Son.

Mr. G. Grenville to have the Reverſion in the Exciſe for his ſecond Son of 2000l. per Annum.

Mr. Dyſon to be appointed Regiſter General of the Records of Parliament, 2000l. per Ann. for Life.

Lord George Sackville, to be created Baron Germain.

Mr. T. Townſhend the Reverſion of a Teller of the Exchequer.

to INDIA,

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Saturday December 9, was published,

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By the Rev. WILLIAM HANBURY, M.A. Rector of Church Langton, in Leicestershire.

Printed for E. and C. Dilly, in the Poultry; and

Dr Croly has a "Incubration on the Letters of Junius" in the second volume of his Winter Evenings. p. 192.

"Junius was a disappointed political Iago & an Iscariot. He was a man of powerful intellect, of fine imagination, shrewd judgment & great acquisitions. But he was a man of fierce & implacable resentments withall: a man envious, malicious, cruel, & unjust: a man, whose courage was problematical, whose honour was all profession, whose morality was false, whose religion was gross impiety. In the furtherance of his dark & dangerous designs, he burst impetuously through every social barrier of our common humanity, so that he might but stab his victim to the heart, he leapt with equal contempt upon the throne of his king, or the altar of his God, to strike the ministers of either power. Like the savage hyæna, he prowled in the obscurity of night, and with stern mockery of sentiment, wept & whined & snarled over the mangled limbs of his prey. Detection startled, whilst resistance appalled him. Round Sir Wm Draper he sculked & crouched & shewed his fangs: upon John Horne Tooke he flew outright."

Athen. aug. 6. 1813. (Ep. Lxxxvii. 116.) Philo Pronus.

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THE

LETTERS

OF

JUNIUS.

A NEW EDITION.

WITH A

COPIOUS INDEX.

STAT NOMINIS UMBRA.

London,

1791.


BRITISH MUSEUM

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DEDICATION

TO THE

ENGLISH NATION.

I DEDICATE to you a collection of Letters, written by one of Yourſelves for the common benefit of us all. They would never have grown to this ſize without your continued encouragement and applauſe. To me they originally owe nothing but a healthy, ſanguine conſtitution. Under *Your* care they have thriven, To *You* they are indebted for whatever ſtrength or beauty they poſſeſs. When Kings and Miniſters are forgotten, when the force and direction of perſonal ſatire is no longer underſtood, and when meaſures are only felt in their remoteſt conſequences, this book will, I believe, be found to contain principles worthy to be tranſmitted to poſterity. When you leave the unimpaired, hereditary freehold to Your children, You do but half Your duty. Both liberty and property are precarious, unleſs the poſſeſſors have ſenſe and ſpirit enough to defend them.—This is not the language of vanity. If I am a vain man, my gratification lies within a narrow

narrow circle. I am the ſole depoſitary of my own ſecret, and it ſhall periſh with me.

If an honeſt, and, I may truly affirm, a laborious zeal for the public ſervice, has given me any weight in Your eſteem, let me exhort and conjure You never to ſuffer an invaſion of Your political conſtitution, however minute the inſtance may appear, to paſs by, without a determined, perſevering reſiſtance. One precedent creates another.—They ſoon accumulate, and conſtitute law. What yeſterday was fact, to-day is doctrine. Examples are ſuppoſed to juſtify the moſt dangerous meaſures; and where they do not ſuit exactly, the defect is ſupplied by analogy.—Be aſſured that the laws, which protect us in our civil rights, grow out of the conſtitution, and that they muſt fall or flouriſh with it. This is not the cauſe of faction or of party, or of any individual, but the common intereſt of every man in Britain. Although the King ſhould continue to ſupport his preſent ſyſtem of government, the period is not very diſtant at which you will have the means of redreſs in your own power. It may be nearer perhaps than any of us expect, and I would warn You to be prepared for it. The King may poſſibly be adviſed to diſſolve the preſent parliament a year or two before it expires of courſe, and precipitate a new election, in hopes of taking the nation by ſurpriſe. If

ſuch

ſuch a meaſure be in agitation, this very caution may defeat or prevent it.

I cannot doubt that You will unanimouſly aſſert the freedom of election, and vindicate your excluſive right to chooſe your repreſentatives. But other queſtions have been ſtarted, on which your determination ſhould be equally clear and unanimous. Let it be impreſſed upon your minds, let it be inſtilled into your children, that the liberty of the preſs is the *palladium* of all the civil, political, and religious rights of an Engliſhman; and that the right of juries to return a general verdict, in all caſes whatſoever, is an eſſential part of our conſtitution, not to be controuled or limited by the judges, nor in any ſhape queſtionable by the legiſlature. The power of King, Lords, and Commons, is not an arbitrary power.* They are the truſtees, not the owners,

* This poſitive denial, of an arbitrary power being veſted in the legiſlature, is not in fact a new doctrine. When the Earl of Lindſay, in the year 1657, brought a bill into the Houſe of Lords, *To prevent the dangers which might ariſe from perſons diſaffected to government*, by which an oath and penalty were to be impoſed upon the members of both houſes, it was affirmed, in a proteſt ſigned by twenty-three lay peers (my lords the biſhops were not accuſtomed to proteſt) "That the privilege of ſitting and voting in parliament was an honour they had by birth, and a right ſo "inherent in them, and inſeparable from them, *that nothing could take it away*, but what, by the law of the "land, muſt withal take away their lives, and corrupt "their blood." Theſe noble peers (whoſe names are a reproach to their poſterity) have, in this inſtance, ſolemnly denied the power of parliament to alter the conſtitution. Under a particular propoſition, they have aſſerted a general truth, in which every man in England is concerned.

owners, of the eſtate. The fee-ſimple is in US. They cannot alienate, they cannot waſte. When we ſay that the legiſlature is *ſupreme*, we mean, that it is the higheſt power known to the conſtitution;—that it is the higheſt in compariſon with the other ſubordinate powers eſtabliſhed by the laws. In this ſenſe, the word *ſupreme* is relative, not abſolute. The power of the legiſlature is limited, not only by the general rules of natural juſtice, and the welfare of the community, but by the forms and principles of our particular conſtitution. If this doctrine be not true, we muſt admit, that King, Lords, and Commons, have no rule to direct their reſolutions, but merely their own will and pleaſure. They might unite the legiſlative and executive power in the ſame hands, and diſſolve the conſtitution by an act of parliament. But I am perſuaded You will not leave it to the choice of ſeven hundred perſons, notoriouſly corrupted by the Crown, whether ſeven millions of their equals ſhall be freemen or ſlaves. The certainty of forfeiting their own rights, when they ſacrifice thoſe of the nation, is no check to a brutal, degenerate mind. Without inſiſting upon the extravagant conceſſion made to Harry the Eighth, there are inſtances, in the hiſtory of other countries, of a formal, deliberate ſurrender of the public liberty into the hands

of

of the Sovereign. If England does not ſhare the ſame fate, it is becauſe we have better reſources than in the virtue of either houſe of parliament.

I ſaid that the liberty of the preſs is the *palladium* of all your rights, and that the right of the juries to return a general verdict is part of your conſtitution. To preſerve the whole ſyſtem, You muſt correct your legiſlature. With regard to any influence of the conſtituent over the conduct of the repreſentative, there is little difference between a ſeat in parliament for ſeven years and a ſeat for life. The proſpect of your reſentment is too remote; and although the laſt ſeſſion of a ſeptennial parliament be uſually employed in courting the favour of the people, conſider, that at this rate your repreſentatives have ſix years for offence, and but one for atonement. A death-bed repentance ſeldom reaches to reſtitution. If you reflect, that in the changes of adminiſtration which have marked and diſgraced the preſent reign, although your warmeſt patriots have in their turn been inveſted with the lawful and unlawful authority of the crown, and though other reliefs or improvements have been held forth to the people, yet that no one man in office has ever promoted or encouraged a bill for ſhortening the duration of parliaments, but that (whoever was miniſter) the oppoſition to this meaſure, ever ſince

ſince the ſeptennial act paſſed, has been conſtant and uniform on the part of government. You cannot but conclude, without the poſſibility of a doubt, that long parliaments are the foundation of the undue influence of the crown. This influence anſwers every purpoſe of arbitrary power to the crown, with an expence and oppreſſion to the people, which would be unneceſſary in an arbitrary government. The beſt of our miniſters find it the eaſieſt and moſt compendious mode of conducting the King's affairs; and all miniſters have a general intereſt in adhering to a ſyſtem, which of itſelf is ſufficient to ſupport them in office, without any aſſiſtance from perſonal virtue, popularity, labour, abilities, or experience. It promiſes every gratification to avarice and ambition, and ſecures impunity. Theſe are truths unqueſtionable. If they make no impreſſion, it is becauſe they are too vulgar and notorious. But the inattention or indifference of the nation has continued too long. You are rouſed at laſt to a ſenſe of your danger. The remedy will ſoon be in your power. If *Junius* lives, You ſhall often be reminded of it. If, when the opportunity preſents itſelf, You neglect to do your duty to yourſelves and to poſterity—to God and to your country—I ſhall have one conſolation left, in common with the meaneſt and baſeſt of mankind:—Civil liberty may ſtill laſt the life of

JUNIUS.

is remarkable that the name of Junius has been
ce used in fiction, by authors writing on popular
pics, & wishing to hide from the public their real
ames. In the year 1581, a work with this signature
as pub.d in France, in defence of the Huguenots, & in ac-
sation of the oppressive government of Cath.e de Medicis
her sons. It was intitled "Vindiciæ contra Tyrannos".
was written in a strain of the most nervous eloquence.
e author was understood to have been the famous Hubert
ngnet, the friend of Sir Philip Sidney. See Life of Hub

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& DEGS
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PREFACE.

THE encouragement given to a multitude of ſpurious, mangled publications of the letters of *Junius*, perſuades me, that a complete edition, corrected and improved by the author, will be favourably received. The printer will readily acquit me of any view to my own profit. I undertake this troubleſome taſk, merely to ſerve a man who has deſerved well of me, and of the public; and who, on my account, has been expoſed to an expenſive, tyrannical proſecution. For theſe reaſons, I give to Mr. *Henry Sampſon Woodfall*, and to him alone, my right, intereſt, and property in theſe letters, as fully and completely, to all intents and purpoſes, as an author can poſſibly convey his property in his own works to another.

THIS edition contains all the letters of *Junius*, *Philo Junius*, and of *Sir William Draper*, and *Mr. Horne* to *Junius*, with their reſpective dates, and according to the order in which they appeared in the Public Advertiſer. The auxiliary part of *Philo Junius* was indiſpenſibly neceſſary to defend or explain particular paſſages in *Junius*, in anſwer to plauſible objections; but the ſubordinate character is never guilty of the indecorum of praiſing his principal. The fraud was innocent, and I always intended to explain it. The notes will be found not only uſeful, but neceſſary. References to facts not generally

known, or alluſions to the current report or opinion of the day, are in a little time unintelligible. Yet the reader will not find himſelf overloaded with explanations. I was not born to be a commentator, even upon my own works.

It remains to ſay a few words upon the liberty of the preſs. The daring ſpirit, by which theſe letters are ſuppoſed to be diſtinguiſhed, ſeems to require that ſomething ſerious ſhould be ſaid in their defence. I am no lawyer by profeſſion, nor do I pretend to be more deeply read than every Engliſh gentleman ſhould be in the laws of his country. If, therefore, the principles I maintain are truly conſtitutional, I ſhall not think myſelf anſwered, though I ſhould be convicted of a miſtake in terms, or of miſapplying the language of the law. I ſpeak to the plain underſtanding of the people, and appeal to their honeſt, liberal conſtruction of me.

Good men, to whom alone I addreſs myſelf, appear to me to conſult their piety as little as their judgment and experience, when they admit the great and eſſential advantages accruing to ſociety from the freedom of the preſs, yet indulge themſelves in peeviſh or paſſionate exclamations againſt the abuſes of it. Betraying an unreaſonable expectation of benefits pure and entire from any human inſtitution, they in effect arraign the goodneſs of Providence, and confeſs that they are diſſatisfied with the common lot of humanity. In the preſent inſtance, they really create to their own minds, or greatly exaggerate, the evil they complain of. The laws of England provide as effectually as any human laws can do, for the protection of the ſubject, in his reputation, as well as in his perſon and property. If the characters of private

vate men are inſulted or injured, a double remedy is open to them, by *action* and *indictment*. If, through indolence, falſe ſhame, or indifference, they will not appeal to the laws of their country, they fail in their duty to ſociety, and are unjuſt to themſelves. If, from an unwarrantable diſtruſt of the integrity of juries, they would wiſh to obtain juſtice by any mode of proceeding more ſummary than a trial by their peers, I do not ſcruple to affirm, that they are in effect greater enemies to themſelves than to the libeller they proſecute.

WITH regard to ſtrictures upon the characters of men in office, and the meaſures of government, the caſe is a little different. A conſiderable latitude muſt be allowed in the diſcuſſion of public affairs, or the liberty of the preſs will be of no benefit to ſociety. As the indulgence of private malice and perſonal ſlander ſhould be checked and reſiſted by every legal means, ſo a conſtant examination into the characters and conduct of miniſters and magiſtrates ſhould be equally promoted and encouraged. They who conceive that our newſpapers are no reſtraint upon bad men, or impediment to the execution of bad meaſures, know nothing of this country. In that ſtate of abandoned ſervility and proſtitution, to which the undue influence of the crown has reduced the other branches of the legiſlature, our miniſters and magiſtrates have in reality little puniſhment to fear, and few difficulties to contend with, beyond the cenſure of the preſs, and the ſpirit of reſiſtance which it excites among the people. While this cenſorial power is maintained, to ſpeak in the words of a moſt ingenious foreigner, both miniſter and magiſtrate is compelled, in almoſt every inſtance, *to chooſe between his duty and his reputation.* A dilemma of this kind

perpetually before him, will not indeed work a miracle in his heart, but it will aſſuredly operate, in ſome degree, upon his conduct. At all events, theſe are not times to admit of any relaxation in the little diſcipline we have left.

BUT it is alledged, that the licentiouſneſs of the preſs is carried beyond all bounds of decency and truth:—that our excellent miniſters are continually expoſed to the public hatred or deriſion:—that, in proſecutions for libels on government, juries are partial to the popular ſide;—and that, in the moſt flagrant caſes, a verdict cannot be obtained for the King.—If the premiſes were admitted, I ſhould deny the concluſion. It is not true, that the temper of the times has in general an undue influence over the conduct of juries. On the contrary, many ſignal inſtances may be produced of verdicts returned for the King, when the inclinations of the people led ſtrongly to an undiſtinguiſhing oppoſition to government. Witneſs the caſes of *Mr. Wilkes* and *Mr. Almon*.—In the late proſecutions of the printers of my addreſs to a great perſonage, the juries were never fairly dealt with.—*Lord Chief Juſtice Mansfield*, conſcious that the paper in queſtion contained no treaſonable or libellous matter, and that the ſevereſt parts of it, however painful to the King, or offenſive to his ſervants, were ſtrictly true, would fain have reſtricted the jury to the finding of ſpecial facts, which, as to *guilty* or *not guilty*, were merely indifferent. This particular motive, combined with his general purpoſe to contract the power of juries, will account for the charge he delivered in *Woodfall's* trial. He told the jury, in ſo many words, that they had nothing to determine except the fact of *printing and publiſhing*, and whether or no the *blanks* or *inuendos* were properly

properly filled up in the information;—but that, whether the defendant had committed a *crime*, or not, was no matter of conſideration to twelve men, who yet, upon their oaths, were to pronounce their peer *guilty*, or *not guilty*. When we hear ſuch nonſenſe delivered from the bench, and find it ſupported by a laboured train of ſophiſtry, which a plain underſtanding is unable to follow, and which an unlearned jury, however it may ſhock their reaſon, cannot be ſuppoſed qualified to refute, can it be wondered that they ſhould return a verdict, perplexed, abſurd, or imperfect?—*Lord Mansfield* has not yet explained to the world, why he accepted of a verdict which the court afterwards ſet aſide as illegal; and which, as it took no notice of the *inuendos*, did not even correſpond with his own charge. If he had known his duty, he ſhould have ſent the jury back. I ſpeak adviſedly, and am well aſſured that no lawyer of character in Weſtminſter-hall will contradict me. To ſhew the falſehood of *Lord Mansfield's* doctrine, it is not neceſſary to enter into the merits of the paper which produced the trial. If every line of it were treaſon, his charge to the jury would ſtill be falſe, abſurd, illegal, and unconſtitutional. If I ſtated the merits of my letter to *the King*, *I ſhould imitate* LORD MANSFIELD, *and* * TRAVEL OUT OF THE RE-

 CORD.

* The following quotation from a ſpeech delivered by *Lord Chatham* on the eleventh of December, 1770, is taken with exactneſs. The reader will find it curious in itſelf, and very fit to be inſerted here. " My Lords, the verdict given in Woodfall's trial, " was *guilty of printing and publiſhing* ONLY: upon which two " motions were made in court;—one, in arreſt of judgment, by " the defendant's counſel, grounded upon the ambiguity of the " verdict;—the other, by the counſel for the crown, for a rule " upon the defendant to ſhew cauſe, why the verdict ſhould not " be entered up according to the *legal* import of the words. On " both motions, a rule was granted, and ſoon after the matter was " argued before the court of King's-bench. The noble judge,

" when

CORD. *When law and reaſon* ſpeak plainly, we do not want authority to direct our underſtandings. Yet, for the honour of the profeſſion, I am content to oppoſe one lawyer to another, eſpecially when it happens that the King's Attorney General has virtually diſclaimed the doctrine by which the Chief Juſtice meant to inſure ſucceſs to the proſecution. The opinion of the plaintiff's counſel (however it may be otherwiſe inſignificant) is weighty in the ſcale of the defendant. *My Lord Chief Juſtice De Grey*, who filed the information *ex officio*, is directly with me. If he had concurred in *Lord Mansfield's* doctrine, the trial muſt have been a very ſhort one. The facts were either admitted by *Woodfall's* counſel, or eaſily proved to the ſatisfaction of the jury. But *Mr. De Grey*, far from thinking he ſhould acquit himſelf of his duty, by barely proving the facts, entered largely, and I confeſs not without ability, into the demerits of the paper, which he called *a ſeditious libel.* He dwelt but lightly upon thoſe points, which (according to

" when he delivered the opinion of the court upon the verdict, " went regularly through the whole of the proceedings at *Niſi* " *Prius*, as well the evidence that had been given, as his own " charge to the jury. This proceeding would have been very pro- " per, had a motion been made of either ſide for a new trial; be- " cauſe either a verdict given contrary to evidence, or an improper " charge by the judge at *Niſi Prius*, is held to be a ſufficient ground " for granting a new trial. But when a motion is made in arreſt " of judgment, or for eſtabliſhing the verdict by entering it up ac- " cording to the legal import of the words, it muſt be on the " ground of ſomething appearing *on the face of the record:* and the " court, in conſidering whether the verdict ſhall be eſtabliſhed or " not, are ſo confined to the *record*, that they cannot take notice " of any thing that does not appear on the face of it; in the legal " phraſe, *they cannot travel out of the record.* The noble judge did " travel out of the record; and I affirm that his diſcourſe was *ir-* " *regular*, *extrajudicial*, and *unprecedented.* His apparent motive " for doing what he knew to be wrong, was, that he might have " an opportunity of telling the public *extrajudicially*, that the other " three judges concurred in the doctrine laid down in his charge."

to Lord Mansfield) were the only matter of conſideration to the jury. The criminal intent, the libellous matter, the pernicious tendency of the paper itſelf, were the topics on which he principally inſiſted, and of which for more than an hour he tortured his faculties to convince the jury. If he agreed in opinion with *Lord Mansfield*, his diſcourſe was impertinent, ridiculous, and unreaſonable. But, underſtanding the law as I do, what he ſaid was at leaſt conſiſtent and to the purpoſe.

If any honeſt man ſhould ſtill be inclined to leave the conſtruction of libels to the court, I would intreat him to conſider what a dreadful complication of hardſhips he impoſes upon his fellow ſubjects.—In the firſt place, the proſecution commences by *information* of an officer of the crown, not by the regular conſtitutional mode of *indictment* before a grand jury.—As the fact is uſually admitted, or in general can eaſily be proved, the office of the petty jury is nugatory.—The *court* then judges of the nature and extent of the offence, and determines *ad arbitrium* the *quantum* of the puniſhment, from a ſmall fine to a heavy one, to repeated whipping, to pillory, and unlimited impriſonment. Cutting off ears and noſes *might* ſtill be inflicted by a reſolute judge; but I will be candid enough to ſuppoſe that penalties, ſo apparently ſhocking to humanity, would not be hazarded in theſe times.—In all other criminal proſecutions, the jury decides upon the fact and the crime in one word; and the court pronounces a *certain* ſentence, which is the ſentence of the law, not of the judge. If *Lord Mansfield's* doctrine be received, the jury muſt either find a verdict of acquittal, contrary to evidence (which, I can conceive, might be done by very conſcientious men, rather than truſt a fellow-creature to *Lord Mansfield's* mercy); or they muſt leave

leave to the court two offices, never but in this inſtance united, of finding guilty, and awarding puniſhment.

BUT, ſays this honeſt *Lord Chief Juſtice*, "If the "paper be not criminal, the defendant (tho' found "guilty by his peers) is in no danger, for he may "move the court in arreſt of judgment."—True, my good Lord, but who is to determine upon the motion?—Is not the court ſtill to decide, whether judgment ſhall be entered up or not? and is not the defendant this way as effectually deprived of judgment by his peers, as if he were tried in a court of civil law, or in the chambers of the inquiſition? It is you, my Lord, who then try the crime, not the jury. As to the probable effect of the motion in arreſt of judgment, I ſhall only obſerve, that no reaſonable man would be ſo eager to poſſeſs himſelf of the invidious power of inflicting puniſhment, if he were not predetermined to make uſe of it.

AGAIN:—We are told, that judge and jury have a diſtinct office;—that the jury is to find the fact, and the judge to deliver the law. *De jure reſpondent judices, de facto jurati.* The *dictum* is true, though not in the ſenſe given to it by *Lord Mansfield.* The jury are undoubtedly to determine the fact, that is, whether the defendant did or did not commit the crime charged againſt him. The judge pronounces the ſentence annexed by law to that fact ſo found; and if, in the courſe of the trial, any queſtion of law ariſes, both the counſel and the jury muſt, of neceſſity, appeal to the judge, and leave it to his deciſion. An *exception*, or *plea in bar*, may be allowed by the court; but, when iſſue is joined, and the jury have received their charge, it is not poſſible, in the nature

nature of things, for them to ſeparate the law from the fact, unleſs they think proper to return a *ſpecial* verdict.

It has alſo been alledged, that, although a common jury are ſufficient to determine a plain matter of fact, they are not qualified to comprehend the meaning, or to judge of the tendency, of a ſeditious libel. In anſwer to this objection (which, if well founded, would prove nothing as to the *ſtrict right* of returning a general verdict) I might ſafely deny the truth of the aſſertion. *Engliſhmen* of that rank, from which juries are uſually taken, are not ſo illiterate as (to ſerve a particular purpoſe) they are now repreſented. Or, admitting the fact, let a ſpecial jury be ſummoned in all caſes of difficulty and importance, and the objection is removed. But the truth is, that if a paper, ſuppoſed to be a libel upon government, be ſo obſcurely worded, that twelve common men cannot poſſibly ſee the ſeditious meaning and tendency of it, it is in effect no libel. It cannot inflame the minds of the people, nor alienate their affections from government; for they no more underſtand what it means, than if it were publiſhed in a language unknown to them.

Upon the whole matter it appears, to *my* underſtanding, clear beyond a doubt, that if, in any future proſecution for a ſeditious libel, the jury ſhould bring in a verdict of acquittal not warranted by the evidence, it will be owing to the falſe and abſurd doctrines laid down by *Lord Mansfield*. Diſguſted by the odious artifices made uſe of by the judge to miſlead and perplex them, guarded againſt his ſophiſtry, and convinced of the falſehood of his aſſertions, they may perhaps determine to thwart his deteſtable

teſtable purpoſe, and defeat him at any rate. To *him* at leaſt they will do *ſubſtantial juſtice*.—Whereas, if the whole charge, laid in the information, be fairly and honeſtly ſubmitted to the jury, there is no reaſon whatever to preſume that twelve men, upon their oaths, will not decide impartially between the King and the defendant. The numerous inſtances, in our ſtate-trials, of verdicts recovered for the King, ſufficiently refute the falſe and ſcandalous imputations thrown by the abettors of *Lord Mansfield* upon the integrity of juries.—But even admitting the ſuppoſition, that in times of univerſal diſcontent, ariſing from the notorious mal-adminiſtration of public affairs, a ſeditious writer ſhould eſcape puniſhment, it makes nothing againſt my general argument. If juries are fallible, to what other tribunal ſhall we appeal?—If juries cannot ſafely be truſted, ſhall we unite the offices of judge and jury, ſo wiſely divided by the conſtitution, and truſt implicitly to *Lord Mansfield?*—Are the judges of the court of King's-bench more likely to be unbiaſſed and impartial, than twelve yeomen, burgeſſes, or gentlemen, taken indifferently from the county at large?—Or, in ſhort, ſhall there be no deciſion, until we have inſtituted a tribunal, from which no poſſible abuſe or inconvenience whatſoever can ariſe?—If I am not groſsly miſtaken, theſe queſtions carry a deciſive anſwer along with them.

HAVING cleared the freedom of the preſs from a reſtraint equally unneceſſary and illegal, I return the uſe which has been made of it in the preſent publication.

NATIONAL reflections, I confeſs, are not juſtified in theory, nor upon any general principles. To know

know how well they are deſerved, and how juſtly they have been applied, we muſt have the evidence of facts before us. We muſt be converſant with the *Scots* in private life, and obſerve their principles of acting to *us*, and to each other; —the characteriſtic prudence, the ſelfiſh nationality, the indefatigable ſmile, the perſevering aſſiduity, the everlaſting profeſſion of a diſcreet and moderate reſentment.—If the inſtance were not too important for an experiment, it might not be amiſs to confide a little in their integrity.—Without any abſtract reaſoning upon cauſes and effects, we ſhall ſoon be convinced by *experience*, that the *Scots*, tranſplanted from their own country, are always a diſtinct and ſeparate body from the people who receive them. In other ſettlements, they only love themſelves;—in *England*, they cordially love themſelves, and as cordially hate their neighbours. For the remainder of their good qualities, I muſt appeal to the reader's obſervation, unleſs he will accept of *my Lord Barrington's* authority. In a letter to the late *Lord Melcombe*, publiſhed by *Mr. Lee*, he expreſſes himſelf with a truth and accuracy not very common in his Lordſhip's lucubrations;—"And "Cockburn, *like moſt of his countrymen*, is as abject to "thoſe above him, as he is inſolent to thoſe below "him."——I am far from meaning to impeach the articles of the union. If the true ſpirit of thoſe articles were religiouſly adhered to, we ſhould not ſee ſuch a multitude of Scotch commoners in the lower-houſe, as repreſentatives of Engliſh boroughs, while not a ſingle Scotch borough is ever repreſented by an Engliſhman. We ſhould not ſee Engliſh peerages given to Scotch ladies, or to the elder ſons of Scotch peers, and the number of *ſixteen* doubled and trebled by a ſcandalous evaſion of the act of union.—If it ſhould ever be thought adviſable to diſſolve an act, the

the violation or obſervance of which is invariably directed by the advantage and intereſt of the *Scots*, I ſhall ſay, very ſincerely, with Sir Edward Coke, * "When poor England ſtood alone, and had not "the acceſs of another kingdom, and yet had more "and as potent enemies as it now hath, yet the King "of England prevailed."

SOME opinion may now be expected from me, upon a point of equal delicacy to the writer, and hazard to the printer. When the character of the chief magiſtrate is in queſtion, more muſt be underſtood than may ſafely be expreſſed. If it be really a part of our conſtitution, and not a mere *dictum* of the law, *that the King can do no wrong*, it is not the only inſtance, in the wiſeſt of human inſtitutions, where theory is at variance with practice.—That the ſovereign of this country is not amenable to any form of trial known to the laws, is unqueſtionable. But exemption from puniſhment is a ſingular privilege annexed to the royal character, and no way excludes the poſſibility of deſerving it. How long, and to what extent, a King of *England* may be protected by the forms, when he violates the ſpirit, of the conſtitution, deſerves to be conſidered. A miſtake in this matter proved fatal to *Charles* and his ſon.—For my own part, far from thinking that the King can do no wrong, far from ſuffering myſelf to be deterred or impoſed upon by the language of forms in oppoſition to the ſubſtantial evidence of truth, if it were my misfortune to live under the inauſpicious reign of a prince, whoſe whole life was employed in one baſe contemptible ſtruggle with the free ſpirit of his people, or in the deteſtable endeavour to corrupt their moral principles, I would not ſcruple to declare to him,—"Sir, You alone are "the

* Parliamentary Hiſtory, V. vii. p. 406.

« the greateſt wrong to your ſubjects and to yourſelf.
« Inſtead of reigning in the hearts of your people, in-
« ſtead of commanding their lives and fortunes thro'
« the medium of their affections ; has not the ſtrength
« of the crown, whether influence or prerogative,
« been uniformly exerted, for eleven years together,
« to ſupport a narrow, pitiful ſyſtem of government,
« which defeats itſelf, and anſwers no one purpoſe of
« real power, profit, or perſonal ſatisfaction to You ?
« With the greateſt unappropriated revenue of any
« prince in Europe, have we not ſeen You reduced
« to ſuch vile and ſordid diſtreſſes, as would have
« conducted any other man to a priſon ?—With a
« great military, and the greateſt naval power in the
« known world, have not foreign nations repeatedly
« inſulted You with impunity ?—Is it not notorious,
« that the vaſt revenues, extorted from the labour and
« induſtry of your ſubjects, and given You to do
« honour to Yourſelf and to the nation, are diſſipated
« in corrupting their repreſentatives ? ——Are You
« a prince of the houſe of Hanover, and do you ex-
« clude all the leading Whig families from your
« councils ?—Do you profeſs to govern according to
« Law ; and is it conſiſtent with that profeſſion, to
« impart your confidence and affection to thoſe men
« only, who, though now perhaps detached from the
« deſperate cauſe of the Pretender, are marked in this
« country by an hereditary attachment to high and
« arbitrary principles of government ?—Are you ſo
« infatuated as to take the ſenſe of your people from
« the repreſentation of miniſters, or from the ſhouts
« of a mob, notoriouſly hired to ſurround your coach,
« or ſtationed at a theatre ?—And if you are, in re-
« ality, that public man, that King, that Magiſtrate,
« which theſe queſtions ſuppoſe You to be, is it any
« anſwer to your people, to ſay, That among your

" domeſtics You are good-humoured;--that to one " lady You are faithful;--that to your children you " are indulgent?——Sir, the man who addreſſes You " in theſe terms, is your beſt friend. He would wil- " lingly hazard his life in defence of your title to the " crown; and, if *power* be your object, would ſtill " ſhow You how poſſible it is for a King of England, " by the nobleſt means, to be the moſt abſolute prince " in Europe. You have no enemies, Sir, but thoſe " who perſuade You to aim at power without right, " and who think it flattery to tell You, that the cha- " racter of King diſſolves the natural relation between " guilt and puniſhment."

I CANNOT conceive that there is a heart ſo cal- lous, or an underſtanding ſo depraved, as to attend to a diſcourſe of this nature, and not to feel the force of it. But where is the man, among thoſe who have acceſs to the cloſet, reſolute and honeſt enough to deliver it? The liberty of the preſs is our only re- ſource. It will command an audience, when every honeſt man in the kingdom is excluded. This glo- rious privilege may be a ſecurity to the King, as well as a reſource to his people. Had there been no ſtar- chamber, there would have been no rebellion againſt Charles the firſt. The conſtant cenſure and admo- nition of the preſs would have corrected his conduct, prevented a civil war, and ſaved him from an igno- minious death. I am no friend to the doctrine of precedents excluſive of right; though lawyers often tell us, that whatever has been once done may law- fully be done again.

I SHALL conclude this preface with a quotation applicable to the ſubject, from a foreign writer *; whoſe

* *Monſieur de Lolme.*

whoſe eſſay on the Engliſh conſtitution I beg leave to recommend to the public, as a performance deep, ſolid, and ingenious.

" In ſhort, whoever conſiders what it is that con-
" ſtitutes the moving principle of what we call great
" affairs, and the invincible ſenſibility of man to the
" opinion of his fellow-creatures, will not heſitate
" to affirm, that if it were poſſible for the liberty of
" the preſs to exiſt in a deſpotic government, and
" (what is not leſs difficult) for it to exiſt without
" changing the conſtitution, this liberty of the preſs
" would alone form a counterpoiſe to the power of
" the prince. If, for example, in an empire of the
" Eaſt, a ſanctuary could be found, which, rendered
" reſpectable by the antient religion of the people,
" might inſure ſafety to thoſe who ſhould bring thither
" their obſervations of any kind; and that, from
" thence, printed papers ſhould iſſue, which, under
" a certain ſeal, might be equally reſpected; and
" which, in their daily appearance, ſhould examine
" and freely diſcuſs the conduct of the Cadis, the
" Baſhaws, the Vizir, the Divan, and the Sultan
" himſelf; that would introduce immediately ſome
" degree of liberty."

LETTERS
OF
JUNIUS,
ETC.

LETTER I.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JANUARY 21, 1769.

THE ſubmiſſion of a free people to the executive authority of government is no more than a compliance with laws, which they themſelves have enacted. While the national honour is firmly maintained abroad, and while juſtice is impartially adminiſtered at home, the obedience of the ſubject will be voluntary, cheerful, and, I might almoſt ſay, unlimited. A generous nation is grateful even for the preſervation of its rights, and willingly extends the reſpect due to the office of a good prince into an affection for his perſon. Loyalty, in the heart and underſtanding of an Engliſhman, is a rational attachment to the guardian of the laws. Prejudices and paſſion have ſometimes carried it to a criminal length; and, whatever foreigners may imagine, we know that Engliſhmen have erred as much in a miſtaken zeal for particular perſons and families, as they ever did in defence of what they thought moſt dear and intereſting to themſelves.

It naturally fills us with reſentment, to ſee ſuch a temper inſulted and abuſed. In reading the hiſtory of a free people, whoſe rights have been invaded,

we are intereſted in their cauſe. Our own feelings tell us how they ought to have ſubmitted, and at what moment it would have been treachery to themſelves not to have reſiſted. How much warmer will be our reſentment, if experience ſhould bring the fatal example home to ourſelves!

The ſituation of this country is alarming enough to rouſe the attention of every man who pretends to a concern for the public welfare. Appearances juſtify ſuſpicion; and when the ſafety of a nation is at ſtake, ſuſpicion is a juſt ground of inquiry. Let us enter into it with candour and decency. Reſpect is due to the ſtation of miniſters; and, if a reſolution muſt at laſt be taken, there is none ſo likely to be ſupported with firmneſs as that which has been adopted with moderation.

The ruin or proſperity of a ſtate depends ſo much upon the adminiſtration of its government, that, to be acquainted with the merit of a miniſtry, we need only obſerve the condition of the people. If we ſee them obedient to the laws, proſperous in their induſtry, united at home, and reſpected abroad, we may reaſonably preſume, that their affairs are conducted by men of experience, abilities, and virtue. If, on the contrary, we ſee an univerſal ſpirit of diſtruſt and diſſatisfaction, a rapid decay of trade, diſſenſions in all parts of the empire, and a total loſs of reſpect in the eyes of foreign powers, we may pronounce, without heſitation, that the government of that country is weak, diſtracted, and corrupt. The multitude, in all countries, are patient to a certain point. Ill-uſage may rouſe their indignation, and hurry them into exceſſes; but the original fault is in government. Perhaps there never was an inſtance of a change, in the circumſtances and temper of a whole nation, ſo ſudden and extraordinary as that which

which the miſconduct of miniſters has, within theſe few years, produced in Great-Britain. When our gracious ſovereign aſcended the throne, we were a flouriſhing and a contented people. If the perſonal virtues of a king could have inſured the happineſs of his ſubjects, the ſcene could not have altered ſo entirely as it has done. The idea of uniting all parties, of trying all characters, and diſtributing the offices of ſtate by rotation, was gracious and benevolent to an extreme, though it has not yet produced the many ſalutary effects which were intended by it. To ſay nothing of the wiſdom of ſuch a plan, it undoubtedly aroſe from an unbounded goodneſs of heart, in which folly had no ſhare. It was not a capricious partiality to new faces;—it was not a natural turn for low intrigue;—nor was it the treacherous amuſement of double and triple negotiations. No, Sir; it aroſe from a continued anxiety, in the pureſt of all poſſible hearts, for the general welfare. Unfortunately for us, the event has not been anſwerable to the deſign. After a rapid ſucceſſion of changes, we are reduced to that ſtate, which hardly any change can mend. Yet there is no extremity of diſtreſs, which of itſelf ought to reduce a great nation to deſpair. It is not the diſorder, but the phyſician;—it is not a caſual concurrence of calamitous circumſtances;—it is the pernicious hand of government, which alone can make a whole people deſperate.

Without much political ſagacity, or any extraordinary depth of obſervation, we need only mark how the principal departments of the ſtate are beſtowed, and look no farther for the true cauſe of every miſchief that befals us.

† The finances of a nation, ſinking under its debts

† The Duke of Grafton took the office of Secretary of State,

debts and expences, are committed to a young nobleman already ruined by play. Introduced to act under the auſpices of Lord Chatham, and left at the head of affairs by that nobleman's retreat, he became miniſter by accident; but deſerting the principles and profeſſions which gave him a moment's popularity, we ſee him, from every honourable engagement to the public, an apoſtate by deſign. As for buſineſs, the world yet knows nothing of his talents or reſolution; unleſs a wayward, wavering inconſiſtency be a mark of genius, and caprice a demonſtration of ſpirit. It may be ſaid, perhaps, that it is his Grace's province, as ſurely it is his paſſion, rather to diſtribute than to ſave the public money; and that while Lord North is Chancellor of the Exchequer, the Firſt Lord of the Treaſury may be as thoughtleſs and extravagant as he pleaſes. I hope, however, he will not rely too much on the fertility of Lord North's genius for finance. His Lordſhip is yet to give us the firſt proof of his abilities: it may be candid to ſuppoſe that he has hitherto voluntarily concealed his talents; intending perhaps to aſtoniſh the world, when we leaſt expect it, with a knowledge of trade, a choice of expedients, and a depth of reſources, equal to the neceſſities, and far beyond the hopes, of his country. He muſt now exert the whole power of his capacity, if he would wiſh us to forget, that, ſince he has been in office, no plan has been formed, no ſyſtem adhered to, nor any one important meaſure adopted for the relief of public credit.

If

with an engagement to ſupport the Marquis of Rockingham's adminiſtration. He reſigned, however, in a little time, under pretence that he could not act without Lord Chatham, nor bear to ſee Mr. Wilkes abandoned; but that under Lord Chatham he would act in *any* office. This was the ſignal of Lord Rockingham's diſmiſſion. When Lord Chatham came in, the Duke got poſſeſſion of the Treaſury. Reader, mark the conſequence!

If his plan for the ſervice of the current year be not irrevocably fixed on, let me warn him to think ſeriouſly of conſequences before he ventures to increaſe the public debt. Outraged and oppreſſed as we are, this nation will not bear, after a ſix years peace, to ſee new millions borrowed, without an eventual diminution of debt, or reduction of intereſt. The attempt might rouſe a ſpirit of reſentment, which might reach beyond the ſacrifice of a miniſter. As to the debt upon the civil liſt, the people of England expect that it will not be paid without a ſtrict inquiry how it was incurred. If it muſt be paid by parliament, let me adviſe the Chancellor of the Exchequer to think of ſome better expedient than a lottery. To ſupport an expenſive war, or in circumſtances of abſolute neceſſity, a lottery may perhaps may be allowable; but, beſides that it is at all times the very worſt way of raiſing money upon the people, I think it ill becomes the Royal dignity to have the debts of a King provided for, like the repairs of a country bridge, or a decayed hoſpital. The management of the King's affairs in the Houſe of Commons cannot be more diſgraced than it has been. * A leading miniſter repeatedly called down for abſolute ignorance;—ridiculous motions ridiculouſly withdrawn;—deliberate plans diſconcerted, and a week's preparation of graceful oratory loſt in a moment,—give us ſome, though not adequate, idea of Lord North's parliamentary abilities and influence. Yet before he had the misfortune of being Chancellor of the Exchequer, he was neither an object of deriſion to his enemies, nor of melancholy pity to his friends.

A ſeries of inconſiſtent meaſures have alienated the colonies from their duty as ſubjects, and from their natural affection to their common country. When Mr.

* This happened frequently to poor Lord North.

Mr. Grenville was placed at the head of the Treaſury, he felt the impoſſibility of Great Britain's ſupporting ſuch an eſtabliſhment as her former ſucceſſes had made indiſpenſible, and at the ſame time of giving any ſenſible relief to foreign trade, and to the weight of the public debt. He thought it equitable that thoſe parts of the empire which had benefited moſt by the expences of the war, ſhould contribute ſomething to the expences of the peace, and he had no doubt of the conſtitutional right veſted in parliament to raiſe the contribution. But, unfortunately for this country, Mr. Grenviile was at any rate to be diſtreſſed becauſe he was miniſter, and Mr. Pitt* and Lord Camden were to be the patrons of America becauſe they were in oppoſition. Their declaration gave ſpirit and argument to the colonies; and while perhaps they meant no more than the ruin of a miniſter, they in fact divided one half of the empire from the other.

Under one adminiſtration the ſtamp-act is made; under the ſecond it is repealed; under the third, in ſpite of all experience, a new mode of taxing the colonies is invented, and a queſtion revived which ought to have been buried in oblivion. In theſe circumſtances a new office is eſtabliſhed for the buſineſs of the plantations, and the Earl of Hilſborough called forth, at a moſt critical ſeaſon, to govern America. The choice at leaſt announced to us a man of ſuperior capacity and knowledge. Whether he be ſo or not, let his diſpatches as far as they have appeared, let his meaſures as far as they have operated, determine for him. In the former, we have ſeen ſtrong aſſertions without proof, declamation without argument, and violent cenſures without dignity or moderation; but neither correctneſs in the compo-

* Yet *Junius* has been called the partizan of Lord Chatham!

compoſition, nor judgment in the deſign. As for his meaſures, let it be remembered, that he was called upon to conciliate and unite; and that when he entered into office, the moſt refractory of the colonies were ſtill diſpoſed to proceed by the conſtitutional methods of petition and remonſtrance. Since that period they have been driven into exceſſes little ſhort of rebellion. Petitions have been hindered from reaching the throne; and the continuance of one of the principal aſſemblies reſted upon an arbitrary condition *; which, conſidering the temper they were in, it was impoſſible they ſhould comply with, and which would have availed nothing as to the general queſtion if it had been complied with. So violent, and I believe I may call it ſo unconſtitutional, an exertion of the prerogative, to ſay nothing of the weak, injudicious terms in which it was conveyed, gives as humble an opinion of his lordſhip's capacity as it does of his temper and moderation. While we are at peace with other nations, our military force may perhaps be ſpared to ſupport the Earl of Hilſborough's meaſures in America. Whenever that force ſhall be neceſſarily withdrawn or diminiſhed, the diſmiſſion of ſuch a miniſter will neither conſole us for his imprudence, nor remove the ſettled reſentment of a people, who, complaining of an act of the legiſlature, are outraged by an unwarrantable ſtretch of prerogative, and, ſupporting their claims by argument, are inſulted with declamation.

Drawing lots would be a prudent and reaſonable method of appointing the officers of ſtate, compared to a late diſpoſition of the ſecretary's office. Lord Rochford was acquainted with the affairs and temper of the ſouthern courts: Lord Weymouth was equally

* That they ſhould retract one of their reſolutions, and eraſe the entry of it.

equally qualified for either department.* By what unaccountable caprice has it happened, that the latter, who pretends to no experience whatſoever, is removed to the moſt important of the two departments, and the former by preference placed in an office where his experience can be of no uſe to him? Lord Weymouth had diſtinguiſhed himſelf in his firſt employment by a ſpirited, if not judicious, conduct. He had animated the civil magiſtrate beyond the tone of civil authority, and had directed the operations of the army to more than military execution. Recovered from the errors of his youth, from the diſtraction of play, and the bewitching ſmiles of Burgundy, behold him exerting the whole ſtrength of his clear, unclouded faculties, in the ſervice of the crown. It was not the heat of midnight exceſſes, nor ignorance of the laws, nor the furious ſpirit of the houſe of Bedford: No, Sir, when this reſpectable miniſter interpoſed his authority between the magiſtrate and the people, and ſigned the mandate, on which, for aught he knew, the lives of thouſands depended, he did it from the deliberate motion of his heart, ſupported by the beſt of his judgment.

It has lately been a faſhion to pay a compliment to the bravery and generoſity of the commander in chief, † at the expence of his underſtanding. They who love him leaſt make no queſtion of his courage, while his friends dwell chiefly on the facility of his diſpoſition. Admitting him to be as brave as a total abſence of all feeling and reflection can make him, let us ſee what ſort of merit he derives from the remainder of his character. If it be generoſity to accumulate

* It was pretended that the Earl of Rochford, while ambaſſador in France, had quarrelled with the Duke of Choiſeuïl; and that therefore he was appointed to the Northern department, out of compliment to the French miniſter.

† The late Lord Granby.

accumulate in his own perſon and family a number of lucrative employments; to provide, at the public expence, for every creature that bears the name of Manners; and, neglecting the merit and ſervices of the reſt of the army, to heap promotions upon his favourites and dependants; the preſent commander in chief is the moſt generous man alive. Nature has been ſparing of her gifts to this noble lord; but where birth and fortune are united, we expect the noble pride and independance of a man of ſpirit, not the ſervile humiliating complaiſance of a courtier. As to the goodneſs of his heart, if a proof of it be taken from the facility of never refuſing, what concluſion ſhall we draw from the indecency of never performing? And if the diſcipline of the army be in any degree preſerved, what thanks are due to a man, whoſe cares, notoriouſly confined to filling up vacancies, have degraded the office of commander in chief into a broker of commiſſions?

With reſpect to the navy, I ſhall only ſay, that this country is ſo highly indebted to Sir Edward Hawke, that no expence ſhould be ſpared to ſecure to him an honourable and affluent retreat.

The pure and impartial adminiſtration of juſtice is perhaps the firmeſt bond to ſecure a cheerful ſubmiſſion of the people, and to engage their affections to government. It is not ſufficient that queſtions of private right or wrong are juſtly decided, nor that judges are ſuperior to the vileneſs of pecuniary corruption. Jefferies himſelf, when the court had no intereſt, was an upright judge. A court of juſtice may be ſubject to another ſort of bias more important and pernicious, as it reaches beyond the intereſt of individuals, and affects the whole community. A judge, under the influence of government, may be honeſt enough in the deciſion of pri-

vate cauſes, yet a traitor to the public. When a victim is marked out by the miniſtry, this judge will offer himſelf to perform the ſacrifice. He will not ſcruple to proſtitute his dignity, and betray the ſanctity of his office, whenever an arbitrary point is to be carried for government, or the reſentment of a court to be gratified.

Theſe principles and proceedings, odious and contemptible as they are, in effect are no leſs injudicious. A wiſe and generous people are rouſed by every appearance of oppreſſive, unconſtitutional meaſures, whether thoſe meaſures are ſupported only by the power of government, or maſked under the forms of a court of juſtice. Prudence and ſelf-preſervation will oblige the moſt moderate diſpoſitions to make common cauſe, even with a man whoſe conduct they cenſure, if they ſee him perſecuted in a way which the real ſpirit of the laws will not juſtify. The facts, on which theſe remarks are founded, are too notorious to require an application.

This, Sir, is the detail. In one view, behold a nation overwhelmed with debt; her revenues waſted; her trade declining; the affections of her colonies alienated; the duty of the magiſtracy transferred to the ſoldiery; a gallant army, which never fought unwillingly but againſt their fellow-ſubjects, mouldering away for want of the direction of a man of common abilities and ſpirit; and in the laſt inſtance, the adminiſtration of juſtice become odious and ſuſpected to the whole body of the people. This deplorable ſcene admits of but one addition—that we are governed by counſels, from which a reaſonable man can expect no remedy but poiſon, no relief but death.

If, by the immediate interpoſition of Providence, it were poſſible for us to eſcape a criſis ſo full of terror

terror and deſpair, poſterity will not believe the hiſtory of the preſent times. They will either conclude that our diſtreſſes were imaginary, or that we had the good fortune to be governed by men of acknowledged integrity and wiſdom: they will not believe it poſſible that their anceſtors could have ſurvived or recovered from ſo deſperate a condition, while a Duke of Grafton was Prime Miniſter, a Lord North Chancellor of the Exchequer, a Weymouth and a Hilſborough Secretaries of State, a Granby Commander in Chief, and Mansfield chief criminal Judge of the kingdom.

JUNIUS.

LETTER II.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JAN. 26, 1769.

THE kingdom ſwarms with ſuch numbers of felonious robbers of private character and virtue, that no honeſt or good man is ſafe; eſpecially as theſe cowardly, baſe aſſaſſins ſtab in the dark, without having the courage to ſign their real names to their malevolent and wicked productions. A writer, who ſigns himſelf *Junius*, in the Public Advertiſer of the 21ſt inſtant, opens the deplorable ſituation of his country in a very affecting manner; with a pompous parade of his candour and decency, he tells us, that we ſee diſſenſions in all parts of the empire, an univerſal ſpirit of diſtruſt and diſſatisfaction, and a total loſs of reſpect towards us in the eyes of foreign powers. But this writer, with all his boaſted candour, has not told us the real cauſe of the evils he ſo pathetically enumerates. I ſhall take the liberty to explain the cauſe for him. Junius and ſuch wri-

ters as himſelf occaſion all the miſchief complained of, by falſely and maliciouſly traducing the beſt characters in the kingdom. For when our deluded people at home, and foreigners abroad, read the poiſonous and inflammatory libels that are daily publiſhed with impunity, to vilify thoſe who are any way diſtinguiſhed by their good qualities and eminent virtues; when they find no notice taken of, or reply given to, theſe ſlanderous tongues and pens; their concluſion is, that both the miniſters and the nation have been fairly deſcribed; and they act accordingly. I think it therefore the duty of every good citizen to ſtand forth, and endeavour to undeceive the public, when the vileſt arts are made uſe of to defame and blacken the brighteſt characters among us. An eminent author affirms it to be almoſt as criminal to hear a worthy man traduced, without attempting his juſtification, as to be the author of the calumny againſt him. For my own part, I think it a ſort of miſpriſion of treaſon againſt ſociety. No man, therefore, who knows Lord Granby, can poſſibly hear ſo good and great a character moſt vilely abuſed, without a warm and juſt indignation againſt this Junius, this high-prieſt of envy, malice, and all uncharitableneſs, who has endeavoured to ſacrifice our beloved commander in chief at the altars of his horrid deities. Nor is the injury done to his lordſhip alone, but to the whole nation, which may too ſoon feel the contempt, and conſequently the attacks of our late enemies, if they can be induced to believe that the perſon, on whom the ſafety of theſe kingdoms ſo much depends, is unequal to his high ſtation, and deſtitute of thoſe qualities which form a good general. One would have thought that his lordſhip's ſervices in the cauſe of his country, from the battle of Culloden to his moſt glorious concluſion

of

of the late war, might have intitled him to common reſpect and decency at leaſt: but this uncandid indecent writer has gone ſo far as to turn one of the moſt amiable men of the age into a ſtupid, unfeeling, and ſenſeleſs being; poſſeſſed indeed of a perſonal courage, but void of thoſe eſſential qualities which diſtinguiſh the commander from the common ſoldier.

A very long, uninterrupted, impartial, I will add, a moſt diſintereſted, friendſhip with Lord Granby, gives me a right to affirm, that all Junius's aſſertions are falſe and ſcandalous. Lord Granby's courage, though of the brighteſt and moſt ardent kind, is among the loweſt of his numerous good qualities; he was formed to excel in war by nature's liberality to his mind as well as perſon. Educated and inſtructed by his moſt noble father, and a moſt ſpirited as well as excellent ſcholar, the preſent Biſhop of Bangor, he was trained to the niceſt ſenſe of honour, and to the trueſt and nobleſt ſort of pride, that of never doing or ſuffering a mean action. A ſincere love and attachment to his king and country, and to their glory, firſt impelled him to the field, where he never gained aught but honour. He impaired, through his bounty, his own fortune: for his bounty, which this writer would in vain depreciate, is founded upon the nobleſt of the human affections; it flows from a heart melting to goodneſs from the moſt refined humanity. Can a man, who is deſcribed as unfeeling and void of reflection, be conſtantly employed in ſeeking proper objects on whom to exerciſe thoſe glorious virtues of compaſſion and generoſity? The diſtreſſed officer, the ſoldier, the widow, the orphan, and a long liſt beſides, know that vanity has no ſhare in his frequent donotions; he gives, becauſe he feels their diſtreſſes. Nor has

he ever been rapacious with one hand, to be bountiful with the other: yet this uncandid Junius would inſinuate, that the dignity of the commander in chief is depraved into the baſe office of commiſſion-broker; that is, Lord Granby bargains for the ſale of commiſſions; for it muſt have this meaning, if it has any at all. But where is the man living who can juſtly charge his lordſhip with ſuch mean practices? Why does not Junius produce him? Junius knows that he has no other means of wounding this hero, than from ſome miſſile weapon, ſhot from an obſcure corner: He ſeeks, as all defamatory writers do,

——ſpargere voces
In Vulgum ambiguas——

to raiſe a ſuſpicion in the minds of the people. But I hope that my countrymen will be no longer impoſed upon by artful and deſigning men, or by wretches, who, bankrupts in buſineſs, in fame, and in fortune, mean nothing more than to involve this country in the ſame common ruin with themſelves. Hence it is, that they are conſtantly aiming their dark and too often fatal weapons againſt thoſe who ſtand forth as the bulwark of our national ſafety. Lord Granby was too conſpicuous a mark not to be their object. He is next attacked for being unfaithful to his promiſes and engagements: Where are Junius's proofs? Although I could give ſome inſtances, where a breach of promiſe would be a virtue, eſpecially in the caſe of thoſe who would pervert the open, unſuſpecting moments of convivial mirth, into ſly, inſidious applications for preferment or party-ſyſtems, and would endeavour to ſurpriſe a good man, who cannot bear to ſee any one leave him diſſatisfied, into unguarded promiſes. Lord Granby's attention to his own family and relations is called ſelfiſh. Had

he

he not attended to them, when fair and juſt opportunities preſented themſelves, I ſhould have thought him unfeeling, and void of reflection indeed. How are any man's friends or relations to be provided for, but from the influence and protection of the patron? It is unfair to ſuppoſe that Lord Granby's friends have not as much merit as the friends of any other great man: If he is generous at the public expence, as Junius invidiouſly calls it, the public is at no more expence for his lordſhip's friends, than it would be if any other ſet of men poſſeſſed thoſe offices. The charge is ridiculous!

The laſt charge againſt Lord Granby is of a moſt ſerious and alarming nature indeed. Junius aſſerts, that the army is mouldering away for want of the direction of a man of common abilities and ſpirit. The preſent condition of the army gives the directeſt lie to his aſſertions. It was never upon a more reſpectable footing, with regard to dicipline, and all the eſſentials that can form good ſoldiers. Lord Ligonier delivered a firm and noble palladium of our ſafeties, into Lord Granby's hands, who has kept it in the ſame good order in which he received it. The ſtricteſt care has been taken to fill up the vacant commiſſions, with ſuch gentlemen as have the glory of their anceſtors to ſupport, as well as their own, and are doubly bound to the cauſe of their king and country, from motives of private property, as well as public ſpirit. The adjutant-general, who has the immediate care of the troops after Lord Granby, is an officer that would do great honour to any ſervice in Europe, for his correct arrangements, good ſenſe, and diſcernment, upon all occaſions, and for a punctuality and preciſion, which give the moſt entire ſatisfaction to all who are obliged to conſult him. The reviewing generals, who inſpect the army twice a-

year,

year, have been ſelected with the greateſt care, and have anſwered the important truſt repoſed in them, in the moſt laudable manner. Their reports of the condition of the army are much more to be credited than thoſe of Junius, whom I do adviſe to atone, for his ſhameful aſperſions, by aſking pardon of Lord Granby, and the whole kingdom, whom he has offended by his abominable ſcandals. In ſhort, to turn Junius's own battery againſt him, I muſt aſſert, in his own words, "that he has given ſtrong aſſertions without proof, declamation without argument, and violent cenſures without dignity or moderation."

WILLIAM DRAPER.

LETTER III.

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH.

SIR, FEB. 7, 1769.

YOUR defence of Lord Granby does honour to the goodneſs of your heart. You feel, as you ought to do, for the reputation of your friend, and you expreſs yourſelf in the warmeſt language of your paſſions. In any other cauſe, I doubt not, you would have cautiouſly weighed the conſequences of committing your name to the licentious diſcourſes and malignant opinions of the world. But here, I preſume, you thought it would be a breach of friendſhip to loſe one moment in conſulting your underſtanding; as if an appeal to the public were no more than a military *coup de main*, where a brave man has no rules to follow but the dictates of his courage. Touched with your generoſity, I freely forgive the exceſſes into which it has led you: and far from reſenting thoſe terms of reproach, which, conſidering that you are an advocate for decorum, you have heaped

ed upon me rather too liberally, I place them to the account of an honeſt unreflecting indignation, in which your cooler judgment and natural politeneſs had no concern. I approve of the ſpirit with which you have given your name to the public; and, if it were a proof of any thing but ſpirit, I ſhould have thought myſelf bound to follow your example. I ſhould have hoped that even *my* name might have carried ſome authority with it, if I had not ſeen how very little weight or conſideration a printed paper receives even from the reſpectable ſignature of Sir William Draper.

You begin with a general aſſertion, that writers, ſuch as I am, are the real cauſe of all the public evils we complain of. And do you really think, Sir William, that the licentious pen of a political writer is able to produce ſuch important effects? A little calm reflection might have ſhown you, that national calamities do not ariſe from the deſcription, but from the real character and conduct, of miniſters. To have ſupported your aſſertion, you ſhould have proved that the preſent miniſtry are unqueſtionably the *beſt and brighteſt* characters of the kingdom; and that, if the affections of the colonies have been alienated, if Corſica has been ſhamefully abandoned, if commerce languiſhes, if public credit is threatened with a new debt, and your own Manilla ranſom moſt diſhonourably given up, it has all been owing to the malice of political writers, who will not ſuffer the beſt and brighteſt characters (meaning ſtill the preſent miniſtry) to take a ſingle right ſtep for the honour or intereſt of the nation. But it ſeems you were a little tender of coming to particulars. Your conſcience inſinuated to you, that it would be prudent to leave the characters of Grafton, North, Hilſborough, Weymouth, and Mansfield, to ſhift for themſelves;

themſelves; and truly, Sir William, the part you have undertaken is at leaſt as much as you are equal to.

Without diſputing Lord Granby's courage, we are yet to learn in what articles of military knowledge nature has been ſo very liberal to his mind. If you have ſerved with him, you ought to have pointed out ſome inſtances of able diſpoſition and well-concerted enterprize, which might fairly be attributed to his capacity as a general. It is you, Sir William, who make your friend appear aukward and ridiculous, by giving him a laced ſuit of tawdry qualifications, which nature never intended him to wear.

You ſay, he has acquired nothing but honour in the field. Is the Ordinance nothing? Are the Blues nothing? Is the command of the army, with all the patronage annexed to it, nothing? Where he got theſe *nothings*, I know not; but you at leaſt ought to have told us where he deſerved them.

As to his bounty, compaſſion, &c. it would have been but little to the purpoſe, though you had proved all that you have aſſerted. I meddle with nothing but his character as commander in chief: and, though I acquit him of the baſeneſs of ſelling commiſſions, I ſtill aſſert, that his military cares have never extended beyond the diſpoſal of vacancies; and I am juſtified by the complaints of the whole army, when I ſay, that in this diſtribution he conſults nothing but parliamentary intereſt, or the gratification of his immediate dependants. As to his ſervile ſubmiſſion to the reigning miniſtry, let me aſk, whether he did not deſert the cauſe of the whole army, when he ſuffered Sir Jefferey Amherſt to be ſacrificed, and what ſhare he had in recalling that officer to the ſervice? Did he not betray the juſt intereſt of the army, in permitting Lord Percy to have a regiment? And

does

does he not at this moment give up all character and dignity as a gentlemen, in receding, from his own repeated declarations, in favour of Mr. Wilkes?

In the two next articles I think we are agreed. You candidly admit, that he often makes ſuch promiſes as it is a virtue in him to violate, and that no man is more aſſiduous to provide for his relations at the public expence. I did not urge the laſt as an abſolute vice in his diſpoſition, but to prove that a *careleſs diſintereſted ſpirit* is no part of his character; and as to the other, I deſire it may be remembered, that I never deſcended to the indecency of inquiring into his convivial hours. It is you, Sir William Draper, who have taken care to repreſent your friend in the character of a drunken landlord, who deals out his promiſes as liberally as his liquor, and will ſuffer no man to leave his table either ſorrowful or ſober. None but an intimate friend, who muſt have frequently have ſeen him in theſe unhappy, diſgraceful moments, could have deſcribed him ſo well.

The laſt charge, of the neglect of the army, is indeed the moſt material of all. I am ſorry to tell you, Sir William, that, in this article, your firſt fact is falſe; and as there is nothing more painful to me than to give a direct contradiction to a gentleman of your appearance, I could wiſh that, in your future publications, you would pay a greater attention to the truth of your premiſes, before you ſuffer your genius to hurry you to a concluſion. Lord Ligonier *did not* deliver the army (which you, in claſſical language, are pleaſed to call a palladium) into Lord Granby's hands. It was taken from him much againſt his inclination, ſome two or three years before Lord Granby was commander in chief. As to the ſtate of the army, I ſhould be glad to know where you have received your intelligence. Was it in the rooms at Bath,

Bath, or at your retreat at Clifton? The reports of reviewing generals comprehend only a few regiments in England, which, as they are immediately under the royal inſpection, are perhaps in ſome tolerable order. But do you know any thing of the troops in the Weſt-Indies, the Mediterranean, and North-America, to ſay nothing of a whole army abſolutely ruined in Ireland? Inquire a little into facts, Sir William, before you publiſh your next penegyric upon Lord Granby; and believe me, you will find there is a fault at head-quarters, which even the acknowledged care and abilities of the adjutant-general cannot correct.

Permit me now, Sir William, to addreſs myſelf perſonally to you, by way of thanks for the honour of your correſpondence. You are by no means undeſerving of notice; and it may be of conſequence even to Lord Granby to have it determined, whether or no the man, who has praiſed him ſo laviſhly, be himſelf deſerving of praiſe. When you returned to Europe, you zealouſly undertook the cauſe of that gallant army, by whoſe bravery, at Manilla, your own fortune had been eſtabliſhed. You complained, you threatened, you even appealed to the public in print. By what accident did it happen, that in the midſt of all this buſtle, and all theſe clamours for juſtice for your injured troops, the name of the Manilla ranſom was ſuddenly buried in a profound, and, ſince that time, an uninterrupted ſilence? Did the miniſtry ſuggeſt any motives to you, ſtrong enough to tempt a man of honour to deſert and betray the cauſe of his fellow-ſoldiers? Was it that bluſhing ribband, which is now the perpetual ornament of your perſon? Or was it that regiment, which you afterwards (a thing unprecedented among ſoldiers) ſold to Colonel Giſborne? Or was it that government, the full pay of which

which you are contented to hold, with the half-pay of an Iriſh colonel? And do you now, after a retreat not very like that of Scipio, preſume to intrude yourſelf, unthought-of, uncalled-for, upon the patience of the public? Are your flatteries of the commander in chief directed to another regiment, which you may again diſpoſe of on the ſame honourable terms? We know your prudence, Sir William, and I ſhould be ſorry to ſtop your preferment.

JUNIUS.

LETTER IV.

TO JUNIUS.

SIR, FEB. 17, 2769.

I Received Junius's favour laſt night: he is determined to keep his advantage by the help of his maſk; it is an excellent protection, it has ſaved many a man from an untimely end. But whenever he will be honeſt enough to lay it aſide, avow himſelf, and produce the face which has ſo long lurked behind it, the world will be able to judge of his motives for writing ſuch infamous invectives. His real name will diſcover his freedom and independency, or his ſervility to a faction. Diſappointed ambition, reſentment for defeated hopes, and deſire of revenge, aſſume but too often the appearance of public ſpirit; but be his deſigns wicked or charitable, Junius ſhould learn, that it is poſſible to condemn meaſures, without a barbarous and criminal outrage againſt men. Junius delights to mangle carcaſes with a hatchet; his language and inſtrument have a great connection with Clare-market, and, to do him juſtice, he handles his weapon moſt admirably. One would imagine he had been taught to throw it by the ſavages of Ame-

It is therefore high time for me to ſtep in once more to ſhield my friend from this mercileſs weapon, although I may be wounded in the attempt. But I muſt firſt aſk Junius, by what forced analogy and conſtruction the moments of convivial mirth are made to ſignify indecency, a violation of engagements, a drunken landlord, and a deſire that every one in company ſhould be drunk likewiſe? He muſt have culled all the flowers of St. Giles's and Billingſgate, to have produced ſuch a piece of oratory. Here the hatchet deſcends with ten-fold vengeance; but, alas! it hurts no one but its maſter! For Junius muſt not think to put words into my mouth, that ſeem too foul even for his own.

My friend's political engagements I know not; ſo cannot pretend to explain them, or aſſert their conſiſtency. I know not whether Junius be conſiderable enough to belong to any party; if he ſhould be ſo, can he affirm that he has always adhered to one ſet of men and meaſures? Is he ſure that he has never ſided with thoſe whom he was firſt hired to abuſe? Has he never abuſed thoſe he was hired to praiſe? To ſay the truth, moſt men's politics ſit much too looſely about them. But as my friend's military character was the chief object that engaged me in this controverſy, to that I ſhall return.

Junius aſks, what inſtances my friend has given of his military ſkill and capacity as a general? When and where he gained his honour? When he deſerved his emoluments? The united voice of the army which ſerved under him, the glorious teſtimony of prince Ferdinand, and of vanquiſhed enemies, all Germany will tell him. Junius repeats the complaints of the army againſt parliamentary influence. I love the army too well, not to wiſh that ſuch influence were leſs. Let Junius point out the time when it has not prevailed. It was of the leaſt force in the

time

time of that great man, the late duke of Cumberland, who, as a prince of the blood, was able as well as willing to ſtem a torrent which would have overborne any private ſubject. In time of war this influence is ſmall. In peace, when diſcontent and faction have the ſureſt means to operate, eſpecially in this country, and when from a ſcarcity of public ſpirit, the wheels of government are rarely moved but by the power and force of obligations, its weight is always too great. Yet, if this influence at preſent has done no greater harm than the placing earl Percy at the head of a regiment, I do not think that either the rights or beſt intereſts of the army are ſacrificed and betrayed, or the nation undone. Let me aſk Junius, if he knows any one nobleman in the army, who has had a regiment by ſeniority? I feel myſelf happy in ſeeing young noblemen of illuſtrious name and great property come among us. They are an additional ſecurity to the kingdom from foreign or domeſtic ſlavery. Junius needs not be told, that ſhould the time ever come, when this nation is to be defended only by thoſe who have nothing more to loſe than their arms and their pay, its danger will be great indeed. A happy mixture of men of quality with ſoldiers of fortune, is always to be wiſhed for. But the main point is ſtill to be contended for, I mean the diſcipline and condition of the army; and I muſt ſtill maintain, though contradicted by Junius, that it was never upon a more reſpectable footing, as to all the eſſentials that can form good ſoldiers, than it is at preſent. Junius is forced to allow, that our army at home may be in ſome tolerable order; yet how kindly does he invite our late enemies to the invaſion of Ireland, by aſſuring them that the army in that kingdom is totally ruined! (The colonels of that army are much obliged to him.) I have too

great an opinion of the military talents of the lord lieutenant, and of all their diligence and capacity, to believe it. If from ſome ſtrange, unaccountable fatality, the people of that kingdom cannot be induced to conſult their own ſecurity, by ſuch an effectual augmentation as may enable the troops there to act with power and energy, is the commander in chief here to blame? Or is he to blame, becauſe the troops in the Mediterranean, in the Weſt-Indies, in America, labour under great difficulties from the ſcarcity of men, which is but too viſible all over theſe kingdoms? Many of our forces are in climates unfavourable to Britiſh conſtitutions; their loſs is in proportion. Britain muſt recruit all theſe regiments from her own emaciated boſom, or, more precariouſly, by Catholics from Ireland. We are likewiſe ſubject to the fatal drains to the Eaſt-Indies, to Senegal, and the alarming emigrations of our people to other countries: Such depopulation can only be repaired by a long peace, or by ſome ſenſible bill of naturalization.

I muſt now take the liberty to talk to Junius on my own account. He is pleaſed to tell me that he addreſſes himſelf to me *perſonally*; I ſhall be glad to ſee him. It is his *imperſonality* that I complain of, and his inviſible attacks: for his dagger in the air is only to be regarded becauſe one cannot ſee the hand which holds it; but had it not wounded other people more deeply than myſelf, I ſhould not have obtruded myſelf at all on the patience of the public.

Mark how a plain tale ſhall put him down, and transfuſe the bluſh of my ribband into his own cheeks. Junius tells me, that at my return, I zealouſly undertook the cauſe of the gallant army, by whoſe bravery at Manilla my own fortunes were eſtabliſhed; that I complained, that I even appealed to the public. I did

did ſo; I glory in having done ſo, as I had an undoubted right to vindicate my own character attacked by a Spaniſh memorial, and to aſſert the rights of my brave companions. I glory, likewiſe, that I have never taken up my pen, but to vindicate the injured. Junius aſks by what accident did it happen, that in the midſt of all this buſtle, and all the clamours for juſtice to the injured troops, the Manilla ranſom was ſuddenly buried in a profound, and, ſince that time, an uninterrupted ſilence? I will explain the cauſe to the public. The ſeveral miniſters who have been employed ſince that time have been very deſirous to do juſtice, from two moſt laudable motives; a ſtrong inclination to aſſiſt injured bravery, and to acquire a well-deſerved popularity to themſelves. Their efforts have been in vain. Some were ingenuous enough to own, that they could not think of involving this diſtreſſed nation into another war for our private concerns. In ſhort, our rights for the preſent are ſacrificed to national convenience; and I muſt confeſs, that although I may loſe five-and-twenty thouſand pounds by their acquieſcence to this breach of faith in the Spaniards, I think they are in the right to temporize, conſidering the critical ſituation of this country, convulſed in every part by poiſon infuſed by anonymous, wicked, and incendiary writers. Lord Shelburne will do me the juſtice to own, that, in September laſt, I waited upon him with a joint memorial from the admiral ſir S. Corniſh and myſelf, in behalf of our injured companions. His lordſhip was as frank upon the occaſion as other ſecretaries had been before him. He did not deceive us by giving any immediate hopes of relief.

Junius would baſely inſinuate, that my ſilence may have been purchaſed by my government, by my *bluſh-*

ing ribband, by my regiment, by the ſale of that regiment, and by half-pay as an Iriſh colonel.

His Majeſty was pleaſed to give me my government for my ſervice at Madras. I had my firſt regiment in 1757. Upon my return from Manilla, his Majeſty, by lord Egremont, informed me, that I ſhould have the firſt vacant red ribband, as a reward for many ſervices in an enterpriſe which I had planned as well as executed. The duke of Bedford and Mr. Grenville confirmed thoſe aſſurances many months before the Spaniards had proteſted the ranſom bills. To accommodate lord Clive, then going upon a moſt important ſervice at Bengal, I waved my claim to the vacancy which then happened. As there was no other vacancy until the duke of Grafton and lord Rockingham were joint miniſters, I was then honoured with the order: and it is ſurely no ſmall honour to me, that in ſuch a ſucceſſion of miniſters, they were all pleaſed to think that I had deſerved it; in my favour they were all united. Upon the reduction of the 79th regiment, which had ſerved ſo glorioufly in the Eaſt-Indies, his Majeſty, unſolicited by me, gave me the 16th of foot as an equivalent. My motives for retiring afterwards are foreign to the purpoſe: let it ſuffice, that his Majeſty was pleaſed to approve of them; they are ſuch as no man can think indecent, who knows the ſhocks that repeated viciſſitudes of heat and cold, of dangerous and ſickly climates, will give to the beſt conſtitutions, in a pretty long courſe of ſervice. I reſigned my regiment to colonel Giſborne, a very good officer, for his half-pay, 200l. Iriſh annuity; ſo that, according to Junius, I have been bribed to ſay nothing more of the Manilla ranſom, and ſacrifice thoſe brave men, by the ſtrange avarice of accepting three hundred and eighty pounds per annum, and giving up eight

eight hundred! If this be bribery, it is not the bribery of theſe times. As to my flattery, thoſe who know me will judge of it. By the aſperity of Junius's ſtile, I cannot indeed call him a flatterer, unleſs he be as a cynic, or a maſtiff; if he wags his tail, he will ſtill growl, and long to bite. The public will now judge of the credit that ought to be given to Junius's writings, from the falſities that he inſinuated with reſpect to myſelf.

WILLIAM DRAPER.

LETTER V.

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH.

SIR, FEB. 21, 1769.

I Should juſtly be ſuſpected of acting upon motives of more than common enmity to Lord Granby, if I continued to give you freſh materials or occaſion for writing in his defence. Individuals who hate, and the public who deſpiſe, have read your letters, Sir William, with infinitely more ſatisfaction than mine. Unfortunately for him, his reputation, like that unhappy country to which you refer me for his laſt military atchievements, has ſuffered more by his friends than his enemies. In mercy to him, let us drop the ſubject. For my own part, I willingly leave it to the public to determine whether your vindication of your friend has been as able and judicious, as it was certainly well intended; and you, I think, may be ſatisfied with the warm acknowledgments he already owes you for making him the principal figure in a piece, in which, but for your amicable aſſiſtance, he might have paſſed without particular notice or diſtinction.

In juſtice to your friends, let your future labours be confined to the care of your own reputation.

Your

Your declaration, that you are happy in ſeeing young noblemen come among us, is liable to two objections. With reſpect to Lord Percy, it means nothing, for he was already in the army. He was aid-de-camp to the King, and had the rank of colonel. A regiment therefore could not make him a more military man, though it made him richer, and probably at the expence of ſome brave, deſerving, friendleſs officer. The other concerns yourſelf. After ſelling the companions of your victory in one inſtance, and after ſelling your profeſſion in the other, by what authority do you preſume to call yourſelf a ſoldier? The plain evidence of facts is ſuperior to all declarations. Before you were appointed to the 16th regiment, your complaints were a diſtreſs to government; from that moment you were ſilent. The concluſion is inevitable. You inſinuate to us, that your ill ſtate of health obliged you to quit the ſervice. The retirement neceſſary to repair a broken conſtitution, would have been as good a reaſon for not accepting, as for reſigning, the command of a regiment. There is certainly an error of the preſs, or an affected obſcurity in that paragraph, where you ſpeak of your bargain with colonel Giſborne. Inſtead of attempting to anſwer what I do not really underſtand, permit me to explain to the public what I really know. In exchange for your regiment, you accepted of a colonel's half-pay (at leaſt 220l. a year) and an annuity of 200l. for your own and lady Draper's life jointly. And is this the loſing bargain, which you would repreſent to us, as if you had given up an income of 800l. a year for 380l.? Was it decent, was it honourable, in a man who pretends to love the army, and calls himſelf a ſoldier, to make a traffic of the royal favour, and turn the higheſt honour of an active profeſſion into a ſordid proviſion for himſelf

himſelf and his family. It were unworthy of me to preſs you farther. The contempt with which the whole army heard of the manner of your retreat, aſſures me, that as your conduct was not juſtified by precedent, it will never be thought an example for imitation.

The laſt and moſt important queſtion remains. When you receive your half-pay, do you, or do you not, take a ſolemn oath, or ſign a declaration upon your honour, to the following effect? *That you do not actually hold any* place of profit, civil or military, under his Majeſty. The charge which the queſtion plainly conveys againſt you, is of ſo ſhocking a complexion, that I ſincerely wiſh you may be able to anſwer it well, not merely for the colour of your reputation, but for your own peace of mind.

JUNIUS.

LETTER VI.

TO JUNIUS.

SIR,

I Have a very ſhort anſwer for Junius's important queſtion; I do not either take an oath, or declare upon honour, that I have no place of profit, civil or military, when I receive the half-pay as an Iriſh colonel. My moſt gracious Sovereign gives it me as a penſion; he was pleaſed to think I deſerved it. The annuity of 200l. Iriſh, and the equivalent for the half-pay, together, produce no more than 380l. per annum, clear of fees and perquiſites of office. I receive 167l. from my government of Yarmouth. Total 547l. per annum. My conſcience is much at eaſe in theſe particulars; my friends need not bluſh for me.

Junius makes much and frequent uſe of interrogations: they are arms that may be eaſily turned againſt

againſt him. I could, by malicious interrogation, diſturb the peace of the moſt virtuous man in the kingdom. I could take the decalogue, and ſay to one man, Did you never ſteal? To the next, Did you never commit murder? And to Junius himſelf, who is putting my life and conduct to the rack, Did you never bear falſe witneſs againſt your neighbour? Junius muſt eaſily ſee, that unleſs he affirms to the contrary in his real name, ſome people who may be as ignorant of him as I am, will be apt to ſuſpect him of having deviated a little from the truth: therefore let Junius aſk no more queſtions. You bite againſt a file: ceaſe, viper. W. D.

LETTER VII.

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH.

SIR, MARCH 3, 1769.

AN academical education has given you an unlimited command over the moſt beautiful figures of ſpeech. Maſks, hatchets, racks, and vipers, dance through your letters in all the mazes of metaphorical confuſion. Theſe are the gloomy companions of a diſturbed imagination; the melancholy madneſs of poetry, without the inſpiration. I will not contend with you in point of compoſition. You are a ſcholar, Sir William; and, if I am truly informed, you write Latin with almoſt as much purity as Engliſh. Suffer me then, for I am a plain unlettered man, to continue that ſtile of interrogation which ſuits my capacity, and to which, conſidering the readineſs of your anſwers, you ought to have no objection. Even * Mr. Bingley promiſes to anſwer, if put to the torture.

Do

* This man, being committed to the court of King's-bench for contempt, voluntarily made oath, that he would never anſwer interrogatories, unleſs he ſhould be put to the torture.

Do you then really think, that, if I were to aſk a moſt virtuous man, whether he ever committed theft, or murder, it would diſturb his peace of mind? Such a queſtion might perhaps diſcompoſe the gravity of his muſcles, but I believe it would little affect the tranquility of his conſcience. Examine your own breaſt, Sir William, and you will diſcover, that reproaches and inquiries have no power to afflict either the man of unblemiſhed integrity, or the abandoned profligate. It is the middle, compound character which alone is vulnerable; the man who, without firmneſs enough to avoid a diſhonourable action, has feeling enough to be aſhamed of it.

I thank you for the hint of the decalogue, and ſhall take an opportunity of applying it to ſome of your moſt virtuous friends in both houſes of parliament.

You ſeem to have dropped the affair of your regiment; ſo let it reſt. When you are appointed to another, I dare ſay you will not ſell it either for a groſs ſum, or for an annuity upon lives.

I am truly glad (for really, Sir William, I am not your enemy, nor did I begin this conteſt with you) that you have been able to clear yourſelf of a crime, though at the expence of the higheſt indiſcretion. You ſay that your half-pay was given you by way of penſion. I will not dwell upon the ſingularity of uniting in your own perſon two ſorts of proviſion, which in their own nature, and in all military and parliamentary views, are incompatible; but I call upon you to juſtify that declaration, wherein you charge your Sovereign with having done an act in your favour notoriouſly againſt law. The half-pay, both in Ireland and England, is appropriated by Parliament; and if it be given to perſons who, like you, are legally incapable of holding it, it is a breach of law. It would have been more decent in you to have

called this diſhonourable tranſaction by its true name; a job to accommodate two perſons, by particular intereſt and management at the Caſtle. What ſenſe muſt government have had of your ſervices, when the rewards they have given you are only a diſgrace to you?

And now, Sir William, I ſhall take my leave of of you for ever. Motives very different from any apprehenſion of your reſentment, make it impoſſible you ſhould ever know me. In truth, you have ſome reaſon to hold yourſelf indebted to me. From the leſſons I have given you, you may collect a profitable inſtruction for your future life. They will either teach you ſo to regulate your conduct, as to be able to ſet the moſt malicious inquiries at defiance; or, if that be a loſt hope, they will teach you prudence enough not to attract the public attention to a character, which will only paſs without cenſure, when it paſſes without obſervation.

JUNIUS.

It has been ſaid, I believe truly, that it was ſignified to Sir William Draper, at the requeſt of Lord Granby, that he ſhould deſiſt from writing in his Lordſhip's defence. Sir William Draper certainly drew *Junius* forward to ſay more of Lord Granby's character than he originally intended. He was reduced to the dilemma of either being totally ſilenced, or of ſupporting his firſt letter. Whether Sir William had a right to reduce him to this dilemma, or to call upon him for his name, after a voluntary attack on *his* ſide, are queſtions ſubmitted to the candour of the public. The death of Lord Granby was lamented by *Junius*. He undoubtedly owed ſome compenſations to the public, and ſeemed determined to acquit himſelf of them. In private life, he was unqueſtionably that good man, who, for the intereſt of his country, ought to have been a great one. *Bonum virum facile dixeris;—magnum libenter.* I ſpeak of him now without partiality:—I never ſpoke of him with reſentment. His miſtakes, in public conduct, did not ariſe either from want of ſentiment, or want of judgment, but in general from the difficulty of ſaying NO to the bad people who ſurrounded him.

As

LETTER VIII.

TO THE DUKE OF GRAFTON.

MY LORD, MARCH 18, 1769.

BEFORE you were placed at the head of affairs, it had been a maxim of the Engliſh government, not unwillingly admitted by the people, that every ungracious or ſevere exertion of the prerogative ſhould be placed to the account of the miniſter; but that, whenever an act of grace or benevolence was to be performed, the whole merit of it ſhould be attributed to the Sovereign himſelf. * It was a wiſe doctrine, my Lord, and equally advantageous to the King and his ſubject; for while it preſerved that ſuſpicious attention, with which the people ought always to examine the conduct of miniſters, it tended at the ſame time rather to increaſe than diminſh their attachment to the perſon of the Sovereign. If there be not a fatality attending every meaſure you are concerned in, by what treachery, or by what exceſs of folly, has it happened, that thoſe ungracious acts which have diſtinguiſhed your adminiſtration, and which I doubt not were entirely your own, ſhould carry with them a ſtrong appearance of perſonal intereſt, and even of perſonal enmity, in a quarter where no ſuch intereſt or enmity can be ſuppoſed to exiſt, without the higheſt injuſtice and the higheſt diſhonour? On the other hand, by what injudicious management have you contrived it, that the only act

As for the reſt, the friends of Lord Granby ſhould remember, that he himſelf thought proper to condemn, retract, and diſavow, by a moſt ſolemn declaration in the houſe of Commons, that very ſyſtem of political conduct which *Junius* had held forth to the diſapprobation of the public.

* Le rois ne ſe ſont reſervé que les graces. Ils renvoient les condamnations vers leurs officiers.——*Monteſquieu.*

mercy, to which you have ever adviſed your Sovereign, far from adding to the luſtre of a character truly gracious and benevolent, ſhould be received with univerſal diſapprobation and diſguſt? I ſhall conſider it as a miniſterial meaſure, becauſe it is an odious one; and as your meaſure, my Lord Duke, becauſe you are the miniſter.

As long as the trial of this chairman was depending, it was natural enough that government ſhould give him every poſſible encouragement and ſupport. The honourable ſervice for which he was hired, and the ſpirit with which he performed it, made a common cauſe between your Grace and him. The miniſter, who by ſecret corruption invades the freedom of elections, and the ruffian, who by open violence deſtroys that freedom, are embarked in the ſame bottom. They have the ſame intereſts, and mutually feel for each other. To do juſtice to your Grace's humanity, you felt for M'Quirk as you ought to do; and if you had been contented to aſſiſt him indirectly, without a notorious denial of juſtice, or openly inſulting the ſenſe of the nation, you might have ſatisfied every duty of political friendſhip, without commuting the honour of your Sovereign, or hazarding the reputation of his government. But when this unhappy man had been ſolemnly tried, convicted, and condemned;—when it appeared that he had been frequently employed in the ſame ſervices, and that no excuſe for him could be drawn either from the innocence of his former life, or the ſimplicity of his character; was it not hazarding too much to interpoſe the ſtrength of the prerogative between this felon and the juſtice of his country? * You ought to

* *Whitehall, March* 11, 1769. His Majeſty has been graciouſly pleaſed to extend his royal mercy to Edward M'Quirk, found guilty of

to have known that an example of this ſort was never ſo neceſſary as at preſent; and certainly you muſt have known that the lot could not have fallen upon a more guilty object. What ſyſtem of government is

of the murder of George Clarke, as appears by his royal warrant, to the tenor following:

GEORGE R.

WHEREAS a doubt had ariſen in Our Royal breaſt concerning the evidence of the death of George Clarke, from the repreſentations of William Bromfield, Eſq. ſurgeon, and Solomon Starling, apothecary; both of whom, as has been repreſented to Us, attended the deceaſed before his death, and expreſſed their opinions that he did not die of the blow he received at Brentford: and whereas it appears to Us, that neither of the ſaid perſons were produced as witneſſes upon the trial, though the ſaid Solomon Starling had been examined before the Coroner; and the only perſon called to prove that the death of the ſaid George Clarke was occaſioned by the ſaid blow, was John Foot, ſurgeon, who never ſaw the deceaſed till after his death: we thought fit thereupon to refer the ſaid repreſentations, together with the report of the Recorder of Our city of London, of the evidence given by Richard and William Beale, and the ſaid John Foot, on the trial of Edward Quirk, otherwiſe called Kirk, otherwiſe called M'Quirk, for the murder of the ſaid Clarke, to the maſter, wardens, and the reſt of the court of examiners of the Surgeons company, commanding them likewiſe to take ſuch further examination of the ſaid perſons ſo repreſenting, and of ſaid John Foot, as they might think it neceſſary, together with the premiſes above-mentioned, to form and report to Us their opinion, "Whether it did or did not appear to them, that the "ſaid George Clarke died in conſequence of the blow he received "in the riot at Brentford, on the 8th of December laſt?" And the ſaid court of examiners of the Surgeons company having thereupon reported to Us their opinion, "That it does not appear to them that "he did;" We have thought proper to extend Our royal mercy to him the ſaid Edward Quirk, otherwiſe Edward Kirk, otherwiſe called Edward M'Quirk, and to grant him Our free pardon for the murder of the ſaid George Clarke, of which he has been found guilty. Our will and pleaſure therefore is, That he the ſaid Edward Quirk, otherwiſe called Kirk, otherwiſe called Edward M'Quirk, be inſerted for the ſaid murder, in Our firſt and next general pardon that ſhall come out for the poor convicts of Newgate, without any condition whatſoever; and that in the mean time you take bail for his appearance, in order to plead Our ſaid pardon. And for ſo doing this ſhall be your warrant.

Given

this? You are perpetually complaining of the riotous diſpoſition of the lower claſs of people; yet when the laws have given you the means of making an example in every ſenſe unexceptionable, and by far the moſt likely to awe the multitude, you pardon the offence, and are not aſhamed to give the ſanction of government to the riots you complain of, and even to future murders. You are partial perhaps to the military mode of execution; and had rather ſee a ſcore of theſe wretches butchered by the guards, than one of them ſuffer death by regular courſe of law. How does it happen, my Lord, that, in *your* hands, even the mercy of the prerogative is cruelty and oppreſſion to the ſubject?

The meaſure, it ſeems, was ſo extraordinary, that you thought it neceſſary to give ſome reaſons for it to the public. Let them be fairly examined.

1. You ſay *that Meſſrs. Bromfield and Starling were not examined at M'Quirk's trial.* I will tell your Grace why they were not. They muſt have been examined upon oath; and it was foreſeen, that their evidence would either not benefit, or might be prejudicial to the priſoner. Otherwiſe, is it conceivable that his counſel ſhould neglect to call in ſuch material evidence?

You ſay that *Mr. Foot did not ſee the deceaſed until after his death.* A ſurgeon, my Lord, muſt know very little of his profeſſion, if upon examining a wound

Given at Our court at St. James's, the 10th day of March, 1769, in the ninth year of Our reign.

By his Majeſty's command,

ROCHFORD.

To our truſty and well-beloved James Eyre, Eſq. Recorder of Our city of London, the Sheriffs of our ſaid city and county of Middleſex, and all others whom it may concern.

wound or contuſion, he cannot determine whether it was mortal or not. While the party is alive, a ſurgeon will be cautious of pronouncing; whereas by the death of the patient, he is enabled to conſider both cauſe and effect in one view, and to ſpeak with a certainty confirmed by experience.

Yet we are to thank your Grace for the aſtabliſhment of a new tribunal. Your *inquiſitio poſt mortem* is unknown to the laws of England, and does honour to your invention. The only material objection to it is, that if Mr. Foot's evidence was inſufficient, becauſe he did not examine the wound till after the death of the party, much leſs can a negative opinion, given by gentlemen who never ſaw the body of Mr. Clarke, either before or after his deceaſe, authoriſe you to ſuperſede the verdict of a jury, and the ſentence of the law.

Now, my Lord, let me aſk you, Has it never occurred to your Grace, while you were withdrawing this deſperate wretch from that juſtice which the laws had awarded, and which the whole people of England demanded againſt him, that there is another man, who is the favourite of his country, whoſe pardon would have been accepted with gratitude, whoſe pardon would have healed all our diviſions? Have you quite forgotten that this man was once your Grace's friend; or is it to murderers only that you will extend the mercy of the crown?

Theſe are queſtions you will not anſwer, nor is it neceſſary. The character of your private life, and the tenor of your public conduct, is an anſwer to them all.

JUNIUS.

LETTER IX.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, APRIL 10, 1769.

I Have ſo good an opinion of your Grace's diſcernment, that when the author of the vindication of your conduct aſſures us, that he writes from his own mere motion, without the leaſt authority from your Grace, I ſhould be ready enough to believe him but for one fatal mark, which ſeems to be fixed upon every meaſure in which either your perſonal or your political character is concerned. Your firſt attempt to ſupport Sir William Proctor ended in the election of Mr. Wilkes; the ſecond enſured ſucceſs to Mr. Glynn. The extraordinary ſtep you took to make Sir James Lowther lord paramount of Cumberland, has ruined his intereſt in that county for ever. The Houſe Liſt of Directors was curſed with the concurrence of government; and even the miſerable * Dingley could not eſcape the misfortune of your Grace's protection. With this uniform experience before us, we are authoriſed to ſuſpect, that when a pretended vindication of your principles and conduct in reality contains the bittereſt reflections upon both, it could not have been written without your immediate direction and aſſiſtance. The author indeed calls God to witneſs for him, with all the ſincerity, and in the very terms, of an Iriſh evidence, *to the beſt of his knowledge and belief*. My Lord, you ſhould not encourage theſe appeals to heaven. The pious

* This unfortunate perſon had been perſuaded by the Duke of Grafton to ſet up for Middleſex, his Grace being determined to ſeat him in the Houſe of Commons, if he had but a ſingle vote. It happened unluckily that he could not prevail upon any one freeholder to put him in nomination.

pious Prince from whom you are ſuppoſed to deſcend, made ſuch frequent uſe of them in his public declarations, that at laſt the people alſo found it neceſſary to appeal to heaven in their turn. Your adminiſtration has driven us into circumſtances of equal diſtreſs; beware at leaſt how you remind us of the remedy.

You have already much to anſwer for. You have provoked this unhappy gentleman to play the fool once more in public life, in ſpite of his years and infirmities; and to ſhow us, that, as you yourſelf are a ſingular inſtance of youth without ſpirit, the man who defends you is a no leſs remarkable example of age without the benefits of experience. To follow ſuch a writer minutely would, like his own periods, be a labour without end. The ſubject too has been already diſcuſſed, and is ſufficiently underſtood. I cannot help obſerving, however, that, when the pardon of M'Quirk was the principal charge againſt you, it would have been but a decent compliment to your Grace's underſtanding, to have defended you upon your own principles. What credit does a man deſerve, who tells us plainly, that the facts ſet forth in the King's proclamation were not the true motives on which the pardon was granted; and that he wiſhes that thoſe chirurgical reports, which firſt gave occaſion to certain doubts in the royal breaſt, had not been laid before his Majeſty? You ſee, my Lord, that even your friends cannot defend your actions, without changing your principles; nor juſtify a deliberate meaſure of government, without contradicting the main aſſertion on which it was founded.

The conviction of M'Quirk had reduced you to a dilemma, in which it was hardly poſſible for you to reconcile your political intereſt with your duty. You were

were obliged either to abandon an active uſeful partizan, or to protect a felon from public juſtice. With your uſual ſpirit, you preferred your intereſt to every other conſideration; and with your uſual judgment, you founded your determination upon the only motives which ſhould not have been given to the public.

I have frequently cenſured Mr. Wilkes's conduct, yet your advocate reproaches me with having devoted myſelf to the ſervice of ſedition. Your Grace can beſt inform us, for which of Mr. Wilkes's good qualities you firſt honoured him with your friendſhip, or how long it was before you diſcovered thoſe bad ones in him at which, it ſeems, your delicacy was offended. Remember, my Lord, that you continued your connection with Mr. Wilkes long after he had been convicted of thoſe crimes which you have ſince taken pains to repreſent in the blackeſt colours of blaſphemy and treaſon. How unlucky is it that the firſt inſtance you have given us of a ſcrupulous regard to decorum is united with the breach of a moral obligation! For my own part, my Lord, I am proud to affirm, that if I had been weak enough to form ſuch a friendſhip, I would never have been baſe enough to betray it. But, let Mr. Wilkes's character be what it may, this at leaſt is certain, that, circumſtanced as he is with regard to the public, even his vices plead for him. The people of England have too much diſcernment to ſuffer your Grace to take advantage of the failings of a private character, to eſtabliſh a precedent by which the public liberty is affected, and which you may hereafter, with equal eaſe and ſatisfaction, employ to the ruin of the beſt men in the kingdom. Content yourſelf, my Lord, with the many advantages which the unſullied purity of your own character has given you over your unhappy, deſerted friend. Avail yourſelf of all the

the unforgiving piety of the court you live in, and bleſs God that you " are not as other men are; extor-" tioners, unjuſt, adulterers, or even as this publi-" can." In a heart void of feeling, the laws of honour and good faith may be violated with impunity, and there you may ſafely indulge your genius. But the laws of England ſhall not be violated, even by your holy zeal to oppreſs a ſinner; and though you have ſucceeded in making him a tool, you ſhall not make him the victim of your ambition.

JUNIUS.

LETTER X.

TO MR. EDWARD WESTON.

SIR, APRIL 21, 1769.

I SAID you were an old man without the benefit of experience. It ſeems you are alſo a volunteer with the ſtipend of twenty commiſſions; and, at a period when all proſpects are at an end, you are ſtill looking forward to rewards which you cannot enjoy. No man is better acquainted with the bounty of government than you are.

——— *ton impudence,*
Temeraire vieillard, aura ſa recompenſe.

But I will not deſcend to an altercation either with the impotence of your age, or the peeviſhneſs of your diſeaſes. Your pamphlet, ingenious as it is, has been ſo little read, that the public cannot know how far you have a right to give me the lie, without the following citation of your own words.

Page 6—' 1. That he is perſuaded that the mo-' tives which he (Mr. Weſton) has alledged, muſt ' appear

'appear fully ſufficient, with or without the opinio
'of the ſurgeons.

'2. That thoſe very motives MUST HAVE BE
'the foundation on which the Earl of Rochfo
'thought proper, &c.

'3. That he CANNOT BUT REGRET that the E
'of Rochford ſeems to have thought proper to
'the chirurgical reports before the king, in prefe
'ence to all the other ſufficient motives, &c.'

Let the public determine whether this be defen
ing government on their principles or your own.

The ſtile and language you have adopted are,
confeſs, not ill ſuited to the elegance of your ow
manners, or to the dignity of the cauſe you have u
dertaken. Every common dauber writes raſcal a
villain under his pictures, becauſe the pictures them
ſelvs have neither character nor reſemblance. B
the works of a maſter require no index. His fe
tures and colouring are taken from nature. T
impreſſion they make is immediate and uniform; n
is it poſſible to miſtake his characters, whether th
repreſent the treachery of a miniſter, or the abuſe
ſimplicity of a king. JUNIU

LETTER XI.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, APRIL 24, 1769.

THE ſyſtem you ſeemed to have adopted, whe
Lord Chatham unexpectedly left you at the hea
of affairs, gave us no promiſe of that uncommo
exertion of vigour, which has ſince illuſtrated yo
character and diſtinguiſhed your adminiſtration. Fa
from diſcovering a ſpirit bold enough to invade th
firſt rights of the people and the firſt principles o
th

18 May 1776

A Correſpondent obſerves, on the Propriety of Mr. Wilkes being made a General of the London Militia, for, ſays he, "who is ſo fit to protect us in a military Capacity as one who has ſo faithfully proved himſelf the Champion of our Civil Liberties?"

The prudent Conduct of Mr. Wilkes ſince his Enlargement, has endeared him to all Ranks of People, the moſt ſlaviſh Courtiers excepted. His going into Kent for a Week, from the Priſon Door, without ſo much as coming near the Town, in order to prevent any diſorderly Rejoicings, has been much commended; while the good Humour with which he has treated even his Enemies, the good Nature and Affability with which he ſpeaks to every Body, whether in private or public; and above all, his œconomical and regular Manner of living, has pleaſed and confirmed all his former, and gained him an infinite Number of new Friends.

70 By Their [illegible]

No Perſons whomſoever to be admitted behind the Scenes, nor into the Orcheſtra.

The Galleries, Pit and Boxes to be opened at Five.

To begin preciſely at Seven. Vivant Rex & Regina.

DRURY-LANE

For the Benefit of Mr. W. PALMER, Mr. KEAR, and Mr. BOOTH.

AT the Theatre Royal in Drury Lane, This Day will be preſented

RULE a WIFE and Have a WIFE.

Copper Captain, Mr. KING;

Leon, Mr. REDDISH;

(Being his 1ſt Appearance in that Character)

Duke, Mr. J. AICKIN; Cacafogo, Mr. LOVE; Juan, Mr. Packer; Sanchio, Mr. Hurſt; Alonzo, Mr. Ackman; Altea, Mrs. Love; Margaretta, Mrs. Stephens; Old Woman, Mr. Booth; Maid, Mr. W. Palmer.

And Eſtifania Mrs. ABINGTON.

Act IV. A new Medley Dance (2d Time) called

the conſtitution, you were ſcrupulous of exerciſing even thoſe powers with which the executive branch of the legiſlature is legally inveſted. We have not yet forgotten how long Mr. Wilkes was ſuffered to appear at large, nor how long he was at liberty to canvaſs for the city and county, with all the terrors of an outlawry hanging over him. Our gracious Sovereign has not yet forgotten the extraordinary care you took of his dignity and of the ſafety of his perſon, when, at a criſis which courtiers affected to call alarming, you left the metropolis expoſed, for two nights together, to every ſpecies of riot and diſorder. The ſecurity of the Royal reſidence from inſult was then ſufficiently provided for in Mr. Conway's firmneſs, and Lord Weymouth's diſcretion; while the prime miniſter of Great-Britain, in a rural retirement, and in the arms of faded beauty, had loſt all memory of his Sovereign, his country, and himſelf. In theſe inſtances you might have acted with vigour, for you would have had the ſanction of the laws to ſupport you. The friends of government might have defended you without ſhame; and moderate men, who wiſh well to the peace and good order of ſociety, might have had a pretence for applauding your conduct. But theſe, it ſeems, were not occaſions worthy of your Grace's interpoſition. You reſerved the proofs of your inſipid ſpirit for trials of greater hazard and importance; and now, as if the moſt diſgraceful relaxation of the executive authority had given you a claim of credit to indulge in exceſſes ſtill more dangerous, you ſeem determined to compenſate amply for your former negligence, and to balance the non-execution of the laws with a breach of the conſtitution. From one extreme you ſuddenly ſtart to the other, without leaving, between

the

the weakneſs and the fury of the paſſions, one moment's interval for the firmneſs of the underſtanding.

Theſe obſervations, general as they are, might eaſily be extended into a faithful hiſtory of your Grace's adminiſtration, and perhaps may be the employment of a future hour. But the buſineſs of the preſent moment will not ſuffer me to look back to a ſeries of events, which ceaſe to be intereſting or important, becauſe they are ſucceeded by a meaſure ſo ſingularly daring, that it excites all our attention, and engroſſes all our reſentment.

Your patronage of Mr. Luttrell has been crowned with ſucceſs. With this precedent before you, with the principles on which it was eſtabliſhed, and with a future houſe of commons, perhaps leſs virtuous than the preſent, every county in England, under the auſpices of the treaſury, may be repreſented as completely as the county of Middleſex. Poſterity will be indebted to your Grace for not contenting yourſelf with a temporary expedient, but entailing upon them the immediate bleſſings of your adminiſtration. Boroughs were already too much at the mercy of government. Counties could neither be purchaſed nor intimidated. But their ſolemn determined election may be rejected, and the man they deteſt may be appointed, by another choice, to repreſent them in parliament. Yet it is admitted, that the Sheriffs obeyed the laws and performed their duty. * The return they made muſt have been legal and valid, or undoubtedly they would have been cenſured for making it. With every good-natured allowance for your Grace's youth and inexperience, there are ſome things which you cannot but know.

You

* Sir Fletcher Norton, when it was propoſed to puniſh the ſheriffs, declared in the houſe of commons, that they, in returning Mr. Wilkes, had done no more than their duty.

You cannot but know that the right of the freeholders to adhere to their choice (even ſuppoſing it improperly exerted) was as clear and indiſputable as that of the houſe of commons to exclude one of their own members?—Nor is it poſſible for you not to ſee the wide diſtance there is between the negative power of rejecting one man, and the poſitive power of appointing another. The right of expulſion, in the moſt favourable ſenſe, is no more than the cuſtom of parliament. The right of election is the very eſſence of the conſtitution. To violate that right, and much more to transfer it to any other ſet of men, is a ſtep leading immediately to the diſſolution of all government. So far forth as it operates, it conſtitutes a houſe of commons which *does not* repreſent the people. A houſe of commons ſo formed would involve a contradiction and the groſſeſt confuſion of ideas; but there are ſome miniſters, my Lord, whoſe views can only be anſwered by reconciling abſurdities, and making the ſame propoſition, which is falſe and abſurd in argument, true in fact.

This meaſure, my Lord, is however attended with one conſequence favourable to the people, which I am perſuaded you did not foreſee. † While the conteſt lay between the miniſtry and Mr. Wilkes, his ſituation and private character gave you advantages over him, which common candour, if not the memory of your former friendſhip, ſhould have forbidden you to make of. To religious men, you had an opportunity of exaggerating the irregularities of his paſt life;—to moderate men, you held forth the pernicious conſequences of faction. Men, who with this character looked no farther than to the object before them,

† The reader is deſired to mark this prophecy.

were not diſſatisfied at ſeeing Mr. Wilkes excluded from parliament. You have now taken care to ſhift the queſtion; or rather, you have created a new one, in which Mr. Wilkes is no more concerned than any other Engliſh gentleman. You have united this country againſt you on one grand conſtitutional point, on the deciſion of which our exiſtence, as a free people, abſolutely depends. You have aſſerted, not in words but in fact, that the repreſentation in parliament does not depend upon the choice of the freeholders. If ſuch a caſe can poſſibly happen once, it may happen frequently; it may happen always:—and if three hundred votes, by any mode of reaſoning whatſoever, can prevail againſt twelve hundred, the ſame reaſoning would equally have given Mr. Luttrell his ſeat with ten votes, or even with one. The conſequences of this attack upon the conſtitution are too plain and palpable not to alarm the dulleſt apprehenſion. I truſt you will find, that the people of England are neither deficient in ſpirit nor underſtanding, though you have treated them as if they had neither ſenſe to feel, nor ſpirit to reſent. We have reaſon to thank God and our anceſtors, that there never was yet a miniſter in this country, who could ſtand the iſſue of ſuch a conflict; and with every prejudice in favour of your intentions, I ſee no ſuch abilities in your Grace, as ſhould intitle you to ſucceed in an enterprize, in which the ableſt and baſeſt of your predeceſſors have found their deſtruction. You may continue to deceive your gracious maſter with falſe repreſentations of the temper and condition of his ſubjects. You may command a venal vote, becauſe it is the common eſtabliſhed appendage of your office. But never hope that the freeholders will make a tame ſurrender of their

their rights, or that an Engliſh army will join with you in overturning the liberties of their country. They know that their firſt duty as citizens, is paramount to all ſubſequent engagements; nor will they prefer the diſcipline or even the honours of their profeſſion to thoſe ſacred original rights, which belonged to them before they were ſoldiers, and which they claim and poſſeſs as the birth-right of Engliſhmen.

Return, my Lord, before it be too late, to that eaſy, inſipid ſyſtem which you firſt ſet out with. Take back your *miſtreſs;—the name of friend may be fatal to her, for it leads to treachery and perſecution. Indulge the people. Attend Newmarket. Mr. Luttrell may again vacate his ſeat; and Mr. Wilkes, if not perſecuted, will ſoon be forgotten. To be weak and inactive, is ſafer than to be daring and criminal; and wide is the diſtance between a riot of the populace and a convulſion of the whole kingdom. You may live to make the experiment, but no honeſt man can wiſh you ſhould ſurvive it. JUNIUS.

LETTER XII.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, MAY 30, 1769.

IF the meaſures in which you have been moſt ſucceſsful, had been ſupported by any tolerable appearance of argument, I ſhould have thought my time not ill employed, in continuing to examine your conduct as a miniſter, and ſtating it fairly to the public. But when I ſee queſtions of the higheſt national importance carried as they have been, and the

* The Duke, about this time, had ſeparated himſelf from Ann Parſons; but propoſed to continue united with her, on ſome platonic terms of friendſhip, which ſhe rejected with contempt. His baſeneſs to this woman is beyond deſcription or belief.

firſt principles of the conſtitution openly violated, without argument or decency, I confeſs I give up the cauſe in deſpair. The meaneſt of your predeceſſors had abilities ſufficient to give a colour to their meaſures. If they invaded the rights of the people, they did not dare to offer a direct inſult to their underſtanding; and in former times the moſt venal parliaments made it a condition, in their bargain with the miniſter, that he ſhould furniſh them with ſome plauſible pretences for ſelling their country and themſelves. You have had the merit of introducing a more compendious ſyſtem of government and logic. You neither addreſs yourſelf to the paſſions, nor to the underſtanding, but ſimply to the touch. You apply youſelf immediately to the feelings of your friends; who, contrary to the forms of parliament, never enter heartily into a debate, until they have divided.

Relinquiſhing, therefore, all idle views of amendment to your Grace, or of benefit to the public, let me be permitted to conſider your character and conduct merely as a ſubject of curious ſpeculation.—There is ſomething in both, which diſtinguiſhes you not only from all other miniſters, but all other men; it is not that you do wrong by deſign, but that you ſhould never do right by miſtake. It is not that your indolence and your activity have been equally miſapplied; but that the firſt uniform principle, or if I may call it the genius of your life, ſhould have carried you through every poſſible change and contradiction of conduct, without the momentary imputation or colour of a virtue; and that the wildeſt ſpirit of inconſiſtency ſhould never once have betrayed you into a wiſe or honourable action. This I own gives an air of ſingularity to your fortune as well as to your diſpoſition. Let us look back together to a ſcene in which a mind like yours will find

find nothing to repent of. Let us try, my Lord, how well you have ſupported the various relations in which you ſtood, to your ſovereign, your country, your friends, and yourſelf. Give us, if it be poſſible, ſome excuſe to poſterity, and to ourſelves, for ſubmitting to your adminiſtration. If not the abilities of a great miniſter, if not the integrity of a patriot, or the fidelity of a friend, ſhow us at leaſt the firmneſs of a man.—For the ſake of your miſtreſs, the lover ſhall be ſpared. I will not lead her into public, as you have done, nor will I inſult the memory of a departed beauty. Her ſex, which alone made her amiable in your eyes, makes her reſpectable in mine.

The character of the reputed anceſtors of ſome men, has made it poſſible for their deſcendants to be vicious in the extreme, without being degenerate. Thoſe of your Grace, for inſtance, left no diſtreſſing examples of virtue even to their legitimate poſterity; and you may look back with pleaſure to an illuſtrious pedigree, in which heraldry has not left a ſingle good quality upon record to inſult or upbraid you. You have better proofs of your deſcent, my Lord, than the regiſter of a marriage, or any troubleſome inheritance of reputation. There are ſome hereditary ſtrokes of character, by which a family may be as clearly diſtinguiſhed as by the blackeſt features of the human face. Charles the Firſt lived and died an hypocrite. Charles the Second was an hypocrite of another ſort, and ſhould have died upon the ſame ſcaffold. At the diſtance of a century, we ſee their different characters happily revived and blended in your Grace. Sullen and ſevere without religion, profligate without gaiety, you live like Charles the Second, without being an amiable companion; and, for aught I know, may die as his father did, without the reputation of a martyr.

You had already taken your degrees with credit in thoſe ſchools in which the Engliſh nobility are formed to virtue, when you were introduced to Lord Chatham's protection*. From Newmarket, White's, and the oppoſition, he gave you to the world with an air of popularity, which young men uſually ſet out with, and ſeldom preſerve:—grave and plauſible enough to be thought fit for buſineſs; too young for treachery; and, in ſhort, a patriot of no unpromiſing expectations. Lord Chatham was the earlieſt object of your political wonder and attachment; yet you deſerted him, upon the firſt hopes that offered of an equal ſhare of power with Lord Rockingham. When the Duke of Cumberland's firſt negociation failed, and when the favourite was puſhed to the laſt extremity, you ſaved him by joining with an adminiſtration in which Lord Chatham had refuſed to engage. Still, however, he was your friend: and you are yet to explain to the world, why you conſented to act without him; or why, after uniting with Lord Rockingham, you deſerted and betrayed him. You complained that no meaſures were taken to ſatisfy your patron; and that your friend Mr. Wilkes, who had ſuffered ſo much for the party, had been abandoned to his fate. They have ſince contributed, not a little, to your preſent plenitude of power; yet, I think, Lord Chatham has leſs reaſon than ever to be ſatisfied; and as for Mr. Wilkes, it is, perhaps, the greateſt misfortune of his life that you ſhould have ſo many compenſations to make in the cloſet for your former friendſhip with him. Your gracious maſter underſtands your character; and makes you a perſecutor, becauſe you have been a friend.

Lord

* To underſtand theſe paſſages, the reader is referred to a noted pamphlet, called, *The Hiſtory of the Minority*.

Lord Chatham formed his laſt adminiſtration upon principles which you certainly concurred in, or you could never have been placed at the head of the treaſury. By deſerting thoſe principles, and by acting in direct contradiction to them, in which he found you were ſecretly ſupported in the cloſet, you ſoon forced him to leave you to yourſelf and to withdraw his name from an adminiſtration which had been formed on the credit of it. You had then a proſpect of friendſhips better ſuited to your genius, and more likely to fix your diſpoſition. Marriage is the point on which every rake is ſtationary at laſt; and truly, my Lord, you may be well weary of the circuit you have taken; for you have now fairly travelled through every ſign in the political zodiac, from the Scorpion, in which you ſtung Lord Chatham, to the hopes of a Virgin* in the houſe of Bloomſbury. One would think that you had had ſufficient experience of the frailty of nuptial engagements, or, at leaſt, that ſuch a friendſhip as the Duke of Bedford's might have been ſecured to you by the auſpicious marriage of your late Ducheſs with †his nephew. But ties of this tender nature cannot be drawn too cloſe; and it may poſſibly be a part of the Duke of Bedford's ambition, after makin *her* an honeſt woman, to work a miracle of the ſame ſort upon your Grace. This worthy nobleman has long dealt in virtue. There has been a large conſumption of it in his own family; and, in the way of traffic, I dare ſay, he has bought and ſold more than half repreſentative integrity of the nation.

In a political view, this union is not imprudent. The favour of princes is a periſhable commodity. You

* His Grace had lately married Miſs Wrotteſley, niece of the *Good Gertrude, Ducheſs of Bedford.*

† Miſs Liddel, after her divorce from the Duke, married Lord Upper Oſſory.

You have now a ſtrength ſufficient to command the cloſet; and if it be neceſſary to betray one friendſhip more, you may ſet even Lord Bute at defiance. Mr. Stuart Mackenzie may poſſibly remember what uſe the Duke of Bedford uſually makes of his power; and our gracious Sovereign, I doubt not, rejoices at this firſt appearance of union among his ſervants. His late Majeſty, under the happy influence of a family connexion between his miniſters, was relieved from the cares of the government. A more active prince may perhaps obſerve, with ſuſpicion, by what degrees an artful ſervant grows upon his maſter, from the firſt unlimited profeſſions of duty and attachment, to the painful repreſentation of the neceſſity of the royal ſervice, and ſoon, in regular progreſſion, to the humble inſolence of dictating in all the obſequious forms of peremptory ſubmiſſion. The interval is carefully employed in forming connexions, creating intereſts, collecting a party, and laying the foundation of double marriages; until the deluded prince, who thought he had found a creature proſtituted to his ſervice, and inſignificant enough to be always dependent upon his pleaſure, finds him at laſt too ſtrong to be commanded, and too formidable to be removed.

Your Grace's public conduct, as a miniſter, is but the counterpart of your private hiſtory;—the ſame inconſiſtency, the ſame contradictions. In America we trace you, from the firſt oppoſition to the Stamp Act, on principles of convenience, to Mr. Pitt's ſurrender of the right; then forward to Lord Rockingham's ſurrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr. Townſhend; and in the laſt inſtance, from the gentle Conway's undetermined diſcretion, to blood and compulſion with the Duke of Bedford: Yet, if we may believe the ſimplicity of Lord North's eloquence, at the opening of the next

ſeſſions

ſeſſions you are once more to be the patron of America. Is this the wiſdom of a great miniſter? or is it the ominous vibration of a pendulum? Had you no opinion of your own, my Lord? or was it the gratification of betraying every party with which you have been united, and of deſerting every political principle in which you had concurred?

Your enemies may turn their eyes without regret from this admirable ſyſtem of provincial government. They will find gratification enough in the ſurvey of your domeſtic and foreign policy.

If, inſtead of diſowning Lord Shelburne, the Britiſh court had interpoſed with dignity and firmneſs, you know, my Lord, that Corſica would never have been invaded. The French ſaw the weakneſs of a diſtracted miniſtry, and were juſtified in treating you with contempt. They would probably have yielded in the firſt inſtance, rather than hazard a rupture with this country; but, being once engaged, they cannot retreat without diſhonour. Common ſenſe foreſees conſequences, which have eſcaped your Grace's penetration. Either we ſuffer the French to make an acquiſition, the importance of which you have probably no conception of; or we oppoſe them by an underhand management, which only diſgraces us in the eyes of Europe, without anſwering any purpoſe of policy or prudence. From ſecret, indirect aſſiſtance, a tranſition to ſome more open deciſive meaſures becomes unavoidable; till at laſt we find ourſelves principal in the war, and are obliged to hazard every thing for an object which might have originally been obtained without expence or danger. I am not verſed in the politics of the north; but this I believe is certain, that half the money you have diſtributed to carry the expulſion of Mr. Wilkes, or even your ſecretary's ſhare in the laſt ſubſcription,

would

would have kept the Turks at your devotion. Was it œconomy, my Lord? or did the coy reſiſtance you have conſtantly met with in the Britiſh ſenate, make you deſpair of corrupting the Divan? Your friends indeed have the firſt claim upon your bounty; but if five hundred pounds a-year can be ſpared in a penſion to Sir John Moore, it would not have diſgraced you to have allowed ſomething to the ſecret ſervice of the public.

You will ſay, perhaps, that the ſituation of affairs at home demanded and engroſſed the whole of your attention. Here, I confeſs, you have been active. An amiable, accompliſhed prince aſcends the throne under the happieſt of all auſpices, the acclamations and united affections of his ſubjects The firſt meaſures of his reign, and even the odium of a favourite, were not able to ſhake their attachment. *Your* ſervices, my Lord, have been more ſucceſsful. Since you were permitted to take the lead, we have ſeen the natural effects of a ſyſtem of government at once both odious and contemptible. We have ſeen the laws ſometimes ſcandalouſly relaxed, ſometimes violently ſtretched beyond their tone. We have ſeen the perſon of the Sovereign inſulted; and in profound peace, and with an undiſputed title, the fidelity of his ſubjects brought by his own ſervants into public queſtion*. Without abilities, reſolution, or intereſt, you have done more than Lord Bute could accompliſh with all Scotland at his heels.

Your Grace, little anxious perhaps either for preſent or future reputation, will not deſire to be handed down in theſe colours to poſterity. You have reaſon to

* The wiſe Duke, about this time, exerted all the influence of government to procure addreſſes to ſatisfy the King of the fidelity of his ſubjects. They came in very thick from *Scotland*; but, after the appearance of this letter, we heard no more of them.

to flatter yourſelf that the memory of your adminiſtration will ſurvive even the forms of a conſtitution, which our anceſtors vainly hoped would be immortal: and as for you perſonal character, I will not, for the honour of human nature, ſuppoſe that you can wiſh to have it remembered. The condition of the preſent times is deſperate indeed: but there is a debt due to thoſe who come after us; and it is the hiſtorian's office to puniſh, though he cannot correct. I do not give you to poſterity as a pattern to imitate, but as an example to deter; and as your conduct comprehends every thing that a wiſe or honeſt miniſter ſhould avoid, I mean to make you a negative inſtruction to your ſucceſſors for ever.

JUNIUS.

LETTER XIII.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JUNE 12, 1769.

THE Duke of Grafton's friends, not finding it convenient to enter into a conteſt with *Junius*, are now reduced to the laſt melancholy reſource of defeated argument, the flat general charge of ſcurrility and falſehood. As for his ſtyle, I ſhall leave it to the critics. The truth of his facts is of more importance to the public. They are of ſuch a nature, that I think a bare contradiction will have no weight with any man who judges for himſelf. Let us take them in the order in which they appear in his laſt letter.

1. Have not the firſt rights of the people, and the firſt principles of the conſtitution, been openly invaded, and the very name of an election made ridiculous, by the arbitrary appointment of Mr. Luttrell?

2. Did

2. Did not the Duke of Grafton frequently lead his miſtreſs into public, and even place her at the head of his table, as if he had pulled down an ancient temple of Venus, and could bury all decency and ſhame under the ruins?—Is this the man who dares to talk of Mr. Wilkes's morals?

3. Is not the character of his preſumptive anceſtors as ſtrongly marked in him as if he had deſcended from them in a direct legitimate line? The idea of his death is only prophetic; and what is prophecy but a narrative preceding the fact!

4. Was not Lord Chatham the firſt who raiſed him to the rank and poſt of a miniſter, and the firſt whom he abandoned?

5. Did he not join with Lord Rockingham, and betray him?

6. Was he not the boſom friend of Mr. Wilkes, whom he now purſues to deſtruction?

7. Did he not take his degrees with credit at Newmarket, White's, and the oppoſition?

8. After deſerting Lord Chatham's principles, and ſacrificing his friendſhip, is he not now cloſely united with a ſet of men, who, though they have occaſionally joined with all parties, have in every different ſituation, and at all times, been equally and conſtantly deteſted by this country?

9. Has not Sir John Moore a penſion of five hundred pounds a year?—This may probably be an acquittance of favours upon the turf; but is it poſſible for a miniſter to offer a groſſer outrage to a nation, which has ſo very lately cleared away the beggary of the civil liſt at the expence of more than half a million?

10. Is there any one mode of thinking or acting with reſpect to America, which the Duke of Grafton has not ſucceſſively adopted and abandoned?

We are told that though the Petition of the Freeholders of Middlesex will probably be ready for Delivery on Wednesday next; yet the Time of presenting it is not absolutely fixed, neither will it be publickly known, to avoid a Croud following the Gentlemen appointed to present it, as they would wish to avoid all Tumult, and every thing that may appear disrespectful.

We are informed that among the ministerial Spies and short-hand Men who were present at the Mile End Assembly Room on Tuesday last, was one of the under Clerks of a great Board, who happening to see a Freeholder whom he knew, begged of him not to discover him, as he was obliged to attend by Order, or lose his Place.

By the last Resolution of the Court of Aldermen, Mr. Wilkes's only Recourse is, to apply for a Writ of Mandamus from the Court of King's Bench; upon the Return of which, the legal Merits of the Case are determinable on solemn Argument. If the Opinion of the Court shall be in Favour of the Legality of his Election as an Alderman of the Ward of Farringdon Without, then of course will be issued a peremptory Mandamus for his being admitted and sworn into that Office, on the Disobedience to which an Attachment issues.

A Gentleman of high Character and Credit in the Law, we hear, has offered to give Fifteen Thousand Pounds to any one for the Damages that are likely to be recovered by a popular Patriot in a Cause relative to General Warrants. The Damages laid by the Plaintiff are 30,000 l. and we are told it will not be heard till next Hilary Term.

We are well informed, that one Party, who had fixed upon a late Candidate for many Days

SADLER's WELLS.

THIS, and every EVENING, at Six o'Clock, The ENTERTAINMENTS of this Place will begin. When ſeveral new Performances will be introduced.

The Whole to conclude with an Entertainment of Muſic, and Dancing, called

DON QUIXOTE.

Places for the Boxes to be taken at the Bar.

Poſitively the LAST TIME but ONE.

AT the Theatre Royal in the Haymarket, To-morrow Evening (being the 15th Time) GEORGE-ALEXANDER STEVENS, Will repeat his

LECTURE upon HEADS.

With Alterations, &c.

At Playhouſe Prices.

Tickets to be had and Places taken at the Theatre.

The Doors to be opened at Six, and begin exactly at Seven.

☞ As Mr. Foote will open for the Summer Seaſon very ſoon, ſeveral neceſſary Alterations muſt be immediately made in the Haymarket Theatre Royal, Mr Stevens therefore humbly preſumes to acquaint the Ladies and Gentlemen who intend to honour him with their Company, that he can only repeat his Lecture on Tueſday and Thurſday Evenings next.

RANELAGH HOUSE will be opened This Evening, with the uſual ENTERTAINMENTS To be continued on Mondays Wedneſdays and Fridays, till further Notice. Admittance Two Shillings and Sixpence each Perſon. Coffee and Tea included.

N B. There will be a Guard on Horſeback to patrol the Roads.

☞ The Company that come by Hyde Park Corner are requeſted to order their Carriages to keep the Turnpike Road by Pimlico, to prevent the Accidents that muſt unavoidably happen by going down the Deſcent the new Road by the Fire Engine.

BRITISH MUSEUM

11. Is there not a ſingular mark of ſhame ſet upon this man, who has ſo little delicacy and feeling as to ſubmit to the opprobrium of marrying a near relation of one who had debauched his wife?—In the name of decency, how are theſe amiable couſins to meet at their uncle's table?—It will be a ſcene in Oedipus, without the diſtreſs.—Is it wealth, or wit, or beauty —or is the amorous youth in love?

The reſt is notorious. That Corſica has been ſacrificed to the French: that in ſome inſtances the laws have been ſcandalouſly relaxed, and in others daringly violated; and that the King's ſubjects have been called upon to aſſure him of their fidelity, in ſpite of the meaſures of his ſervants.

A writer, who builds his arguments upon facts ſuch as theſe, is not eaſily to be confuted. He is not to be anſwered by general aſſertions, or general reproaches. He may want eloquence to amuſe and perſuade; but, ſpeaking truth, he muſt always convince.

PHILO JUNIUS.

LETTER XIV.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JUNE 22, 1769.

THE name of *Old Noll* is deſtined to be the ruin of the houſe of Stuart. There is an ominous fatality in it, which even the ſpurious deſcendants of the family cannot eſcape. Oliver Cromwell had the merit of conducting Charles the Firſt to the block. Your correſpondent OLD NOLL appears to have the ſame deſign upon the Duke of Grafton. His arguments conſiſt better with the title he has aſſumed, than with the principles he profeſſes; for though he pretends to be an advocate for the Duke, he takes

care to give us the beſt reaſons why his patron ſhould regularly follow the fate of his preſumptive anceſtor. — Through the whole courſe of the Duke of Grafton's life, I ſee a ſtrange endeavour to unite contradictions, which cannot be reconciled. He marries, to be divorced; he keeps a miſtreſs, to remind him of conjugal endearments; and he chooſes ſuch friends, as it is virtue in him to deſert. If it were poſſible for the genius of that accompliſhed preſident who pronounced ſentence upon Charles the Firſt, to be revived in ſome modern ſycophant *, his Grace, I doubt not, would by ſympathy diſcover him among the dregs of mankind, and take him for a guide in thoſe paths which naturally conduct a miniſter to the ſcaffold.

The aſſertion that two-thirds of the nation approve of the *acceptance* of Mr. Luttrell (for even *Old Noll* is too modeſt to call it an election) can neither be maintained nor confuted by argument. It is a point of fact, on which every Engliſh gentleman will determine for himſelf. As to lawyers, their profeſſion is ſupported by the indiſcriminate defence of right and wrong; and I confeſs I have not that opinion of their knowledge or integrity, to think it neceſſary that they ſhould decide for me upon a plain conſtitutional queſtion. With reſpect to the appointment of Mr. Luttrell, the Chancellor has never yet given any authentic opinion. Sir Fletcher Norton is indeed an honeſt, a very honeſt man; and the Attorney General is *ex officio* the guardian of liberty, to take care, I preſume, that it ſhall never break out into a criminal exceſs. Doctor Blackſtone is Solicitor to the Queen. The Doctor recollected that he had a place to preſerve, though he forgot that he had

* It is hardly neceſſary to remind the reader of the name of *radſh a w*.

had a reputation to loſe. We have now the good fortune to underſtand the Doctor's principles, as well as writings. For the defence of truth, of law, and reaſon, the Doctor's book may be ſafely conſulted; but whoever wiſhes to cheat a neighbour of his eſtate, or to rob a country of its rights, need make no ſcruple of conſulting the Doctor himſelf.

The example of the Engliſh nobility may, for aught I know, ſufficiently juſtify the Duke of Grafton, when he indulges his genius in all the faſhionable exceſſes of the age; yet, conſidering his rank and ſtation, I think it would do him more honour to be able to deny the fact, than to defend it by ſuch authority. But if vice itſelf could be excuſed, there is yet a certain diſplay of it, a certain outrage to decency, and violation of public decorum, which, for the benefit of ſociety, ſhould never be forgiven. It is not that he kept a miſtreſs at home, but that he conſtantly attended her abroad.—It is not the private indulgence, but the public inſult, of which I complain. The name of Miſs Parſons would hardly have been known, if the Firſt Lord of the Treaſury had not led her in triumph through the Opera Houſe, even in the preſence of the Queen. When we ſee a man act in this manner, we may admit the ſhameleſs depravity of his heart, but what are we to think of his underſtanding?

His Grace, it ſeems, is now to be a regular domeſtic man; and as an omen of the future delicacy and correctneſs of his conduct, he marries a firſt couſin of the man who had fixed that mark and title of infamy upon him, which, at the ſame moment, makes a huſband unhappy and ridiculous. The ties of conſanguinity may poſſibly preſerve him from the ſame fate a ſecond time; and as to the diſtreſs of meeting, I take for granted the venerable uncle of

theſe common couſins has ſettled the etiquette in ſuch a manner, that if a miſtake ſhould happen, it may reach no farther than from *Madame ma femme* to *Madame ma couſine*.

The Duke of Grafton has always ſome excellent reaſon for deſerting his friends—The age and incapacity of Lord Chatham—the debility of Lord Rockingham—or the infamy of Mr. Wilkes. There was a time, indeed, when he did not appear to be quite ſo well acquainted, or ſo violently offended, with the infirmities of his friends. But now I confeſs they are not ill exchanged for the youthful, vigorous virtue of the Duke of Bedford;—the firmneſs of General Conway;—the blunt, or if I may call it the aukward, integrity of Mr. Rigby;—and the ſpotleſs morality of Lord Sandwich.

If a late penſion to a * broken gambler be an act worthy of commendation, the Duke of Grafton's connexions will furniſh him with many opportunities of doing praiſe-worthy actions; and as he himſelf bears no part of the expence, the generoſity of diſtributing the public money for the ſupport of virtuous families in diſtreſs, will be an unqueſtionable proof of his Grace's humanity.

As to the public affairs, *Old Noll* is a little tender of deſcending to particulars. He does not deny that Corſica has been ſacrificed to France; and he confeſſes, that, with regard to America, his patron's meaſures have been ſubject to ſome variation; but then he promiſes wonders of ſtability and firmneſs for the future. Theſe are myſteries, of which we muſt not pretend to judge by experience; and truly, I fear we ſhall periſh in the Deſert, before we arrive at the Land of Promiſe. In the regular courſe of things,

* Sir John Moore.

the period of the Duke of Grafton's miniſterial manhood ſhould now be approaching. The imbecility of his infant-ſtate was committed to Lord Chatham. Charles Townſhend took ſome care of his education at that ambiguous age, which lies between the follies of political childhood and the vices of puberty. The empire of the paſſions ſoon ſucceeded. His earlieſt principles and connexions were of courſe forgotten or deſpiſed. The company he has lately kept has been of no ſervice to his morals; and, in the conduct of public affairs, we ſee the character of his time of life ſtrongly diſtinguiſhed. An obſtinate, ungovernable ſelf-ſufficiency plainly points out to us that ſtate of imperfect maturity, at which the graceful levity of youth is loſt, and the ſolidity of experience not yet acquired. It is poſſible the young man may in time grow wiſer, and reform; but, if I underſtand his diſpoſition, it is not of ſuch corrigible ſtuff, that we ſhould hope for any amendment in him, before he has accompliſhed the deſtruction of this country. Like other rakes, he may perhaps live to ſee his error, but not until he has ruined his eſtate.

PHILO JUNIUS.

LETTER XV.

TO HIS GRACE THE DUKE OF GRAFTON.

My Lord, July 8, 1769.

IF nature had given you an underſtanding qualified to keep pace with the wiſhes and principles of your heart, ſhe would have made you, perhaps, the moſt formidable miniſter that ever was employed, under a limited monarch, to accompliſh the ruin of a free people. When neither the feelings of ſhame, the reproaches of conſcience, nor the dread of puniſh-

ment, form any bar to the deſigns of a miniſter, the people would have too much reaſon to lament their condition, if they did not find ſome reſource in the weakneſs of his underſtanding. We owe it to the bounty of providence, that the completeſt depravity of the heart is ſometimes ſtrangely united with a confuſion of the mind, which counteracts the moſt favourite principles, and makes the ſame man treacherous without art, and a hypocrite without deceiving. The meaſures, for inſtance, in which your Grace's activity has been chiefly exerted, as they were adopted without ſkill, ſhould have been conducted with more than common dexterity. But truly, my Lord, the execution has been as groſs as the deſign. By one deciſive ſtep, you have defeated all the arts of writing. You have fairly confounded the intrigues of oppoſition, and ſilenced the clamours of faction. A dark, ambiguous ſyſtem might require and furniſh the materials of ingenious illuſtration; and in doubtful meaſures, the virulent exaggeration of party muſt be employed, to rouſe and engage the paſſions of the people. You have now brought the merits of your adminiſtration to an iſſue, on which every Engliſhman, of the narroweſt capacity, may determine for himſelf. It is not an alarm to the paſſions, but a calm appeal to the judgment of the people, upon their own moſt eſſential intereſts. A more experienced miniſter would not have hazarded a direct invaſion of the firſt principles of the conſtitution, before he had made ſome progreſs in ſubduing the ſpirit of the people. With ſuch a cauſe as your's, my Lord, it is not ſufficient that you have the court at your devotion, unleſs you can find means to corrupt or intimidate the jury. The collective body of the people form that jury, and from *their* deciſion there is but one appeal.

Whether you have talents to ſupport you, at a criſis

criſis of ſuch difficulty and danger, ſhould long ſince have been conſidered. Judging truly of your diſpoſition, you have perhaps miſtaken the extent of your capacity. Good-faith and folly have ſo long been received as ſynonimous terms, that the reverſe propoſition has grown into credit, and every villain fancies himſelf a man of abilities. It is the apprehenſion of your friends, my Lord, that you have drawn ſome haſty concluſion of this ſort, and that a partial reliance upon your moral character has betrayed you beyond the depth of your underſtanding. You have now carried things too far to retreat. You have plainly declared to the people what they are to expect from the continuance of your adminiſtration. It is time for your Grace to conſider what you alſo may expect in return from *their* ſpirit and *their* reſentment.

Since the acceſſion of our moſt gracious Sovereign to the throne, we have ſeen a ſyſtem of government which may well be called a reign of experiments. Parties of all denominations have been employed and diſmiſſed. The advice of the ableſt men in this country has been repeatedly called for and rejected; and when the royal diſpleaſure has been ſignified to a miniſter, the marks of it have uſually been proportioned to his abilities and integrity. The ſpirit of the FAVOURITE had ſome apparent influence upon every adminiſtration; and every ſet of miniſters preſerved an appearance of duration, as long as they ſubmitted to that influence. But there were certain ſervices to be performed for the favourite's ſecurity, or to gratify his reſentments, which your predeceſſors in office had the wiſdom or the virtue not to undertake. The moment this refractory ſpirit was diſcovered, their diſgrace was determined. Lord Chatham, Mr. Grenville, and Lord Rockingham, have ſucceſſively

ſively had the honour to be diſmiſſed for preferring their duty, as ſervants of the public, to thoſe compliances, which were expected from their ſtation. A ſubmiſſive adminiſtration was at laſt gradually collected from the deſerters of all parties, intereſts, and connexions; and nothing remained but to find a leader for theſe gallant, well-diſciplined troops. Stand forth, my Lord, for thou art the man. Lord Bute found no reſource of dependance or ſecurity in the proud impoſing ſuperiority of Lord Chatham's abilities, the ſhrewd inflexible judgment of Mr. Grenville, nor in the mild but determined integrity of Lord Rockingham. His views and ſituation required a creature void of all theſe properties; and he was forced to go through every diviſion, reſolution, compoſition, and refinement of political chemiſtry, before he happily arrived at the caput mortuum of vitriol in your Grace. Flat and inſipid in your retired ſtate, but brought into action you become vitriol again. Such are the extremes of alternate indolence or fury which have governed your whole adminiſtration. Your circumſtances with regard to the people, ſoon becoming deſperate, like other honeſt ſervants, you determined to involve the beſt of maſters in the ſame difficulties with yourſelf. We owe it to your Grace's well-directed labours, that your Sovereign has been perſuaded to doubt of the affections of his ſubjects, and the people to ſuſpect the virtues of their Sovereign, at a time when both were unqueſtionable. You have degraded the Royal dignity into a baſe and diſhonourable competition with Mr. Wilkes; nor had you abilities to carry even the laſt contemptible triumph over a private man, without the groſſeſt violation of the fundamental laws of the conſtitution and rights of the people. But theſe are rights, my Lord, which you can no more annihilate, than you can the ſoil to

which

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THE QUESTION (whether the Right of the Elector hath been violated by the Rejection of Mr. Wilkes, and the Admission of Mr. Luttrell, or not?) examined: In a Letter to John Brown, Esq; and its Negative, proved from the Nature of the Constitution.

'Ut mare quod suâ naturâ tranquillum sit, ventorum vi agitari atque turbari; sic & populum Romanum suâ sponte esse placatum, hominum seditiosorum vocibus ut violentissimis tempestatibus concitari,' CICERO.

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Wells. Mayflower, Wm. Browne; Wm. and Agatha, Wm. Coe.
Boſton. Richard and Ann, Nic. Foggen; Iſabella, Rob. Munkman; Fortune, Wm. Dean.
Pool. Unity, John Angel; John and Samuel, Henry Angel; Friendſhip, John Miller.
Ipſwich. Dyſart, John Dale; Amy and Mary, Field Boatman; Thomas and Mary, John Stace.
Clay. Abel, Alexander Bridges.
Woodbridge. Three Friends, James Percival.
Harwich. Liberty, Jonathan Norman.
Maldon. Wm. and Mary, John Perry; James and Mary, Thomas Moody.

SOLDIERS.

which you are annexed. The queſtion no longer turns upon points of national honour and ſecurity abroad, or on the degrees of expedience and propriety of meaſures at home. It was not inconſiſtent that you ſhould abandon the cauſe of liberty in another country, which you had perſecuted in your own; and in the common arts of domeſtic corruption, we miſs no part of Sir Robert Walpole's ſyſtem, except his abilities. In this humble, imitative line, you might long have proceeded, ſafe and contemptible. You might probably never have riſen to the dignity of being hated, and even have been deſpiſed with moderation. But it ſeems you meant to be diſtinguiſhed; and, to a mind like your's, there was no other road to fame, but by the deſtruction of a noble fabric, which you thought had been too long the admiration of mankind. The uſe you have made of the military force, introduced an alarming change in the mode of executing the laws. The arbitrary appointment of Mr. Luttrell invades the foundation of the laws themſelves, as it manifeſtly transfers the right of legiſlation from thoſe whom the people have choſen, to thoſe whom they have rejected. With a ſucceſſion of ſuch appointments, we may ſoon ſee a houſe of commons collected, in the choice of which the other towns and counties in England will have as little ſhare as the devoted county of Middleſex.

Yet I truſt that your Grace will find that the people of this country are neither to be intimidated by violent meaſures, nor deceived by refinements. When they ſee Mr. Luttrell ſeated in the houſe of commons by mere dint of power, and in direct oppoſition to the choice of a whole county, they will not liſten to thoſe ſubtleties by which every arbitrary exertion of authority is explained into the law and privilege of parliament. It requires no perſuaſion of argument,

argument, but ſimply the evidence of the ſenſes to convince them, that to transfer the right of election from the collective to the repreſentative body of the people, contradicts all thoſe ideas of a Houſe of Commons, which they have received from their forefathers, and which they had already, though vainly perhaps, delivered to their children. The principles on which this violent meaſure has been defended, have added ſcorn to injury; and forced us to feel, that we are not only oppreſſed, but inſulted.

With what force, my Lord, with what protection, are you prepared to meet the united deteſtation of the people of England? The city of London has given a generous example to the kingdom, in what manner a king of this country ought to be addreſſed; and I fancy, my Lord, it is not yet in your courage to ſtand between your Sovereign and the addreſſes of his ſubjects. The injuries you have done this country are ſuch as demand not only redreſs, but vengeance. In vain ſhall you look for protection to that venal vote, which you have already paid for—Another muſt be purchaſed; and, to ſave a miniſter, the houſe of commons muſt declare themſelves not only independent of their conſtituents, but the determined enemies of the conſtitution. Conſider, my Lord, whether this be an extremity to which their fears will permit them to advance; or, if *their* protection ſhould fail you, how far you are authoriſed to rely upon the ſincerity of thoſe ſmiles which a pious Court laviſhes without reluctance upon a libertine by profeſſion. It is not indeed the leaſt of the thouſand contradictions which attend you, that a man, marked to the world by the groſſeſt violation of all ceremony and decorum, ſhould be the firſt ſervant of a Court, in which prayers are morality, and kneeling is religion. Truſt not too far to appearances, by which your

your predeceſſors have been deceived, though they have not been injured. Even the beſt of princes may at laſt diſcover, that this is a contention, in which every thing may be loſt, but nothing can be gained; and as you became miniſter by accident, were adopted without choice, truſted without confidence, and continued without favour, be aſſured, that, whenever an occaſion preſſes, you will be diſcarded without even the forms of regret. You will then have reaſon to be thankful, if you are permitted to retire to that ſeat of learning, which, in contemplation of the ſyſtem of your life, the comparative purity of your manners with thoſe of their high ſteward, and a thouſand other recommending circumſtances, has choſen you to encourage the growing virtue of their youth, and to preſide over their education. Whenever the ſpirit of diſtributing prebends and biſhopricks ſhall have departed from you, you will find that learned ſeminary perfectly recovered from the delirium of an inſtallation, and, what in truth it ought to be, once more a peaceful ſcene of ſlumber and thoughtleſs meditation. The venerable tutors of the univerſity will no longer diſtreſs your modeſty, by propoſing you for a pattern to their pupils. The learned dulneſs of declamation will be ſilent; and even the venal muſe, though happieſt in fiction, will forget your virtues. Yet, for the benefit of the ſucceeding age, I could wiſh that your retreat might be deferred, until your morals ſhall happily be ripened to that maturity of corruption, at which the worſt examples ceaſe to be contagious.

JUNIUS.

LETTER

LETTER XVI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JULY 19, 1769.

A GREAT deal of uſeleſs argument might have been ſaved, in the political conteſt, which has ariſen from the expulſion of Mr. Wilkes, and the ſubſequent appointment of Mr. Luttrell, if the queſtion had been once ſtated with preciſion, to the ſatisfaction of each party, and clearly underſtood by them both. But in this, as in almoſt every other diſpute, it uſually happens, that much time is loſt in referring to a multitude of caſes and precedents, which prove nothing to the purpoſe; or in maintaining propoſitions, which are either not diſputed, or, whether they be admitted or denied, are entirely indifferent as to the matter in debate; until at laſt the mind, perplexed and confounded with the endleſs ſubtleties of controverſy, loſes ſight of the main queſtion, and never arrives at truth. Both parties in the diſpute are apt enough to practiſe theſe diſhoneſt artifices. The man who is conſcious of the weakneſs of his cauſe, is intereſted in concealing it: and on the other ſide, it is not uncommon to ſee a good cauſe mangled by advocates who do not know the real ſtrength of it.

I ſhould be glad to know, for inſtance, to what purpoſe, in the preſent caſe, ſo many precedents have been produced to prove, That the houſe of commons have a right to expel one of their own members; that it belongs to them to judge of the validity of elections; or that the law of parliament is part of the law of the land? * After all theſe propoſitions are admitted, Mr. Luttrell's right to his ſeat will continue to be juſt as diſputable

* The reader will obſerve, that theſe admiſſions are made, not as of truths unqueſtionable, but for the ſake of argument, and in order to bring the real queſtion to iſſue.

diſputable as it was before. Not one of them is at preſent in agitation. Let it be admitted that the houſe of commons were authoriſed to expel Mr. Wilkes, that they are the proper court to judge of elections, and that the law of parliament is binding upon the people; ſtill it remains to be inquired, whether the houſe, by their reſolution in favour of Mr. Luttrell, have or have not truly declared that law. To facilitate this inquiry, I would have the queſtion cleared of all foreign or indifferent matter. The following ſtate of it will probably be thought a fair one by both parties; and then I imagine there is no gentleman in this country, who will not be capable of forming a judicious and true opinion upon it. I take the queſtion to be ſtrictly this: "Whether or "not it be the known, eſtabliſhed law of parliament, "that the expulſion of a member of the houſe of "commons of itſelf creates in him ſuch an incapa-"city to be re-elected, that, at a ſubſequent election, "any votes given to him are null and void; and that "any other candidate, who, except the perſon ex-"pelled, has the greateſt number of votes, ought to "be the ſitting member?"

To prove that the affirmative is the law of parliament, I apprehend it is not ſufficient for the preſent houſe of commons to declare it to be ſo. We may ſhut our eyes indeed to the dangerous conſequences of ſuffering one branch of the legiſlature to declare new laws, without argument or example, and it may perhaps be prudent enough to ſubmit to authority; but a mere aſſertion will never convince, much leſs will it be thought reaſonable to prove the right by the fact itſelf. The miniſtry have not yet pretended to ſuch a tyranny over our minds. To ſupport the affirmative fairly, it will either be neceſſary to produce ſome ſtatute, in which that poſitive proviſion ſhall

have been made, that ſpecific diſability clearly created, and the conſequences of it declared: or, if there be no ſuch ſtatute, the cuſtom of parliament muſt then be referred to; and ſome caſe or caſes *, ſtrictly in point, muſt be produced, with the deciſion of the court upon them; for I readily admit, that the cuſtom of parliament, once clearly proved, is equally binding with the common and ſtatute law.

The conſideration of what may be reaſonable or unreaſonable makes no part of this queſtion. We are inquiring what the law is, not what it ought to be. Reaſon may be applied to ſhow the impropriety or expedience of a law, but we muſt have either ſtatute or precedent to prove the exiſtence of it. At the ſame time I do not mean to admit that the late reſolution of the houſe of commons is defenſible on general principles of reaſon, any more than in law. This is not the hinge on which the debate turns.

Suppoſing therefore that I have laid down an accurate ſtate of the queſtion, I will venture to affirm, 1ſt, That there is no ſtatute exiſting, by which that ſpecific diſability which we ſpeak of is created. If there be, let it be produced. The argument will then be at an end.

2dly, That there is no precedent, in all the proceedings of the houſe of commons, which comes entirely home to the preſent caſe, viz. "where an "expelled member has been returned again, and an- "other candidate, with an inferior number of votes, "has been declared the ſitting member." If there be ſuch a precedent, let it be given to us plainly, and I am ſure it will have more weight than all the cunning arguments which have been drawn from inferences and probabilities.

The

* Precedents, in oppoſition to principles, have little weight with *Junius*; but he thought it neceſſary to meet the miniſtry upon their own ground.

The miniſtry, in that laborious pamphlet, which I preſume contains the whole ſtrength of the party, have declared*, "that Mr. Walpole's was the firſt "and only inſtance in which the electors of any coun-"ty or borough had returned a perſon expelled to "ſerve in the ſame parliament." It is not poſſible to conceive a caſe more exactly in point. Mr. Walpole was expelled; and having a majority of votes at the next election, was returned again. The friends of Mr. Taylor, a candidate ſet up by the miniſtry, petitioned the houſe that he might be the ſitting member. Thus far the circumſtances tally exactly, except that our houſe of commons ſaved Mr. Luttrell the trouble of petitioning. The point of law, however, was the ſame. It came regularly before the houſe, and it was their buſineſs to determine upon it. They did determine it, for they declared Mr. Taylor *not duly elected*. If it be ſaid that they meant this reſolution as matter of favour and indulgence to the borough, which had retorted Mr. Walpole upon them, in order that the burgeſſes, knowing what the law was, might correct their error, I anſwer,

I. That it is a ſtrange way of arguing, to oppoſe a ſuppoſition, which no man can prove, to a fact which proves itſelf.

II. That if this were the intention of the houſe of commons, it muſt have defeated itſelf. The burgeſſes of Lynn could never have known their error, much leſs could they have corrected it by any inſtruction they received from the proceedings of the houſe of commons. They might perhaps have foreſeen, that, if they returned Mr. Walpole again, he would again be rejected; but they never could infer, from a reſolution by which the candidate with the feweſt votes was declared *not duly elected*, that, at a future

* *Caſe of the Middleſex election conſidered*, page 38.

election, and in ſimilar circumſtances, the houſe of commons would reverſe their reſolution, and receive the ſame candidate as duly elected, whom they had before rejected.

This indeed would have been a moſt extraordinary way of declaring the law of parliament, and what I preſume no man, whoſe underſtanding is not at croſs-purpoſes with itſelf, could poſſibly underſtand.

If, in a caſe of this importance, I thought myſelf at liberty to argue from ſuppoſitions rather than from facts, I think the probability, in this inſtance, is directly the reverſe of what the miniſtry affirm; and that it is much more likely that the houſe of commons at that time would rather have ſtrained a point in favour of Mr. Taylor, than that they would have violated the law of parliament, and robbed Mr. Taylor of a right legally veſted in him, to gratify a refractory borough, which, in defiance of them, had returned a perſon branded with the ſtrongeſt mark of the diſpleaſure of the houſe.

But really, Sir, this way of talking, for I cannot call it argument, is a mockery of the common underſtanding of the nation, too groſs to be endured. Our deareſt intereſts are at ſtake. An attempt had been made, not merely to rob a ſingle county of its rights, but, by inevitable conſequence, to alter the conſtitution of the houſe of commons. This fatal attempt has ſucceeded, and ſtands as a precedent recorded for ever. If the miniſtry are unable to defend their cauſe by fair argument founded on facts, let them ſpare us at leaſt the mortification of being amuſed and deluded like children. I believe there is yet a ſpirit of reſiſtance in this country, which will not ſubmit to be oppreſſed; but I am ſure there is a fund of good ſenſe in this country, which cannot be deceived.

JUNIUS.

LETTER XVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUG. 1, 1769.

IT will not be neceſſary for *Junius* to take the trouble of anſwering your correſpondent G. A. or the quotation from a ſpeech without doors, publiſhed in your paper of the 28th of laſt month. The ſpeech appeared before *Junius's* letter; and as the author ſeems to conſider the great propoſition, on which all his argument depends, viz. *that Mr. Wilkes was under that known legal incapacity of which Junius ſpeaks*, as a point granted, his ſpeech is in no ſhape an anſwer to *Junius*, for this is the very queſtion in debate.

As to G. A. I obſerve, firſt, that if he did not admit *Junius's* ſtate of the queſtion, he ſhould have ſhown the fallacy of it, or given us a more exact one;—ſecondly, that, conſidering the many hours and days which the miniſtry and their advocates have waſted, in public debate, in compiling large quartos, and collecting innumerable precedents, expreſsly to prove that the late proceedings of the houſe of commons are warranted by the law, cuſtom, and practice of parliament, it is rather an extraordinary ſuppoſition, to be made by one of their own party even for the ſake of argument, *that no ſuch ſtatute, no ſuch cuſtom of parliament, no ſuch caſe in point, can be produced.* G. A. may, however, make the ſuppoſition with ſafety. It contains nothing, but literally the fact, except that there is a caſe exactly in point, with a deciſion of the houſe diametrically oppoſite to that which the preſent houſe of commons came to in favour of Mr. Luttrel.

The miniſtry now begin to be aſhamed of the weakneſs of their cauſe; and, as it uſually happens with falſhood, are driven to the neceſſity of ſhifting their ground, and changing their whole defence. At firſt we were told, that nothing could be clearer than that the proceedings of the houſe of commons were juſtified by the known law and uniform cuſtom of parliament. But now it ſeems, if there be no law, the houſe of commons have a right to make one; and if there be no precedent, they have a right to create the firſt:—for this I preſume is the amount of the queſtions propoſed to *Junius*. If your correſpondent had been at all verſed in the law of parliament, or generally in the laws of this country, he would have ſeen that this defence is as weak and falſe as the former.

The privileges of either houſe of parliament, it is true, are indefinite, that is, they have not been deſcribed or laid down in any one code or declaration whatſoever; but whenever a queſtion of privilege has ariſen, it has invariably been diſputed or maintained upon the footing of precedents alone*. In the courſe of the proceedings upon the Ayleſbury election, the houſe of lords reſolved, "That neither "houſe of parliament had any power, by any vote or "declaration, to create to themſelves any new pri-"vilege that was not warranted by the known laws "and cuſtoms of parliament." And to this rule the houſe of commons, though otherwiſe they had acted in a very arbitrary manner, gave their aſſent; for they affirmed that they had guided, themſelves by it, in aſſerting their privileges.—Now, Sir, if this be true with reſpect to matters of privilege, in which the houſe of commons, individually and as a body, are principally

* This is ſtill meeting the miniſtry upon their own ground: for, in truth, no precedents will ſupport either natural injuſtice, or violation of a poſitive right.

principally concerned, how much more ſtrongly will it hold againſt any pretended power in that houſe to create or declare a new law, by which not only the rights of the houſe over their own member, and thoſe of the member himſelf, are included, but alſo thoſe of a third and ſeparate party, I mean the freeholders of the kingdom. To do juſtice to the miniſtry, they have not yet pretended that any one, or any two, of the three eſtates have power to make a new law, without the concurrence of the third. They know that a man who maintains ſuch a doctrine, is liable, by ſtatute, to the heavieſt penalties. They do not acknowledge that the houſe of commons have aſſumed a *new* privilege, or declared a *new* law.—On the contrary, they affirm that their proceedings have been ſtrictly conformable to, and founded upon, the ancient law and cuſtom of parliament. Thus, therefore, the queſtion returns to the point at which *Junius* had fixed it, viz. *Whether or no this be the law of parliament?* If it be not, the houſe of commons had no legal authority to eſtabliſh the precedent; and the precedent itſelf is a mere fact, without any proof of right whatſoever.

Your correſpondent concludes with a queſtion of the ſimpleſt nature, *Muſt a thing be wrong becauſe it has never been done before?* No. But admitting it were proper to be done, that alone does not convey any authority to do it. As to the preſent caſe, I hope I ſhall never ſee the time, when not only a ſingle perſon, but a whole county, and in effect the entire collective body of the people may again be robbed of their birth-right by a vote of the houſe of commons. But if, for reaſons which I am unable to comprehend, it be neceſſary to truſt that houſe with a power ſo exorbitant and ſo unconſtitutional, at leaſt let it be given to them by an act of the legiſlature.

PHILO JUNIUS.

LETTER XVIII.

TO SIR WILLIAM BLACKSTONE, SOLICITOR GENERAL TO HER MAJESTY.

SIR, JULY 29, 1769.

I SHALL make you no apology for conſidering a certain pamphlet, in which your late conduct is defended, as written by yourſelf. The perſonal intereſts, the perſonal reſentments, and, above all, that wounded ſpirit, unaccuſtomed to reproach, and I hope not frequently conſcious of deſerving it, are ſignals which betray the author to us as plainly as if your name were in the title-page. You appeal to the public in defence of your reputation. We hold it, Sir, that an injury done to an individual is intereſting to ſociety. On this principle the people of England made a common cauſe with Mr. Wilkes. On this principle, if *you* are injured, they will join in your reſentment. I ſhall not follow you through the inſipid form of a third perſon, but addreſs myſelf to you directly.

You ſeem to think the channel of a pamphlet more reſpectable and better ſuited to the dignity of your cauſe, than that of a newſpaper. Be it ſo. Yet if newſpapers are ſcurrilous, you muſt confeſs they are impartial. They give us, without any apparent preference, the wit and argument of the miniſtry, as well as the abuſive dulneſs of the oppoſition. The ſcales are equally poiſed. It is not the printer's fault if the greater weight inclines the balance.

Your pamphlet then is divided into an attack upon Mr. Grenville's character, and a defence of your own. It would have been more conſiſtent perhaps with your profeſſional intention, to have confined yourſelf to the laſt. But anger has ſome claim to indulgence, and railing is uſually a relief to the mind.

I hope you have found benefit from the experiment. It is not my deſign to enter into a formal vindication of Mr. Grenville, upon his own principles. I have neither the honour of being perſonally known to him, nor do I pretend to be completely maſter of all the facts. I need not run the riſk of doing an injuſtice to his opinions or to his conduct, when your pamphlet alone carries, upon the face of it, a full vindication of both.

Your firſt reflection, is, that Mr. Grenville * was, of all men, the perſon who ſhould not have complained of inconſiſtence with regard to Mr. Wilkes. This, Sir, is either an unmeaning ſneer, a peeviſh expreſſion of reſentment, or, if it means any thing, you plainly beg the queſtion; for whether his parliamentary conduct with regard to Mr. Wilkes has or has not been inconſiſtent, remains yet to be proved. But it ſeems he received upon the ſpot a ſufficient chaſtiſement for exerciſing *ſo unfairly* his talents of miſrepreſentation. You are a lawyer, Sir, and know better than I do, upon what particular occaſions a talent for miſrepreſentation may be *fairly* exerted, but to puniſh a man a ſecond time, when he has been once ſufficiently chaſtiſed, is rather too ſevere. It is not in the laws of England; it is not in your own commentaries; nor is it yet, I believe, in the new law you have revealed to the houſe of commons. I hope this doctrine has no exiſtence but in your own heart. After all, Sir, if you had conſulted that ſober diſcretion, which you ſeem to oppoſe with triumph to the honeſt jollity of a tavern, it might have occurred to you, that, although you could have ſucceeded in fixing a charge of inconſiſtence upon Mr. Grenville, it would not have tended in any ſhape to exculpate yourſelf.

Your

* Mr. Grenville had quoted a paſſage from the Doctor's excellent commentaries, which directly contradicted the doctrine maintained by the Doctor in the houſe of commons.

Your next inſinuation, that Sir William Meredith had haſtily adopted the falſe gloſſes of his new ally, is of the ſame ſort with the firſt. It conveys a ſneer as little worthy of the gravity of your character, as it is uſeleſs to your defence. It is of little moment to the public to inquire, by whom the charge was conceived, or by whom it was adopted. The only queſtion we aſk is, whether or no it be true? The remainder of your reflections upon Mr. Grenville's conduct deſtroy themſelves. He could not poſſibly come prepared to traduce your integrity to the houſe. He could not foreſee that you would even ſpeak upon the queſtion; much leſs would he foreſee that you could maintain a direct contradiction of that doctrine, which you had ſolemnly, diſintereſtedly, and upon ſobereſt reflection, delivered to the public. He came armed indeed with what he thought a reſpectable authority, to ſupport what he was convinced was the cauſe of truth; and I doubt not he intended to give you in the courſe of the debate, an honourable and public teſtimony of his eſteem. Thinking highly of his abilities, I cannot however allow him the gift of divination. As to what you are pleaſed to call a plan coolly formed to impoſe upon the houſe of commons, and his producing it without provocation at midnight, I conſider it as the language of pique and invective, therefore unworthy of regard. But, Sir, I am ſenſible I have followed your example too long, and wandered from the point.

The quotation from your commentaries is matter of record. It can neither be *altered* by your friends, nor miſrepreſented by your enemies; and I am willing to take your own word for what you have ſaid in the houſe of commons. If there be a real difference between what you have written and what you have ſpoken, you confeſs that your book ought to be the ſtandard.

ſtandard. Now, Sir, if words mean any thing, I apprehend, that, when a long enumeration of diſqualifications, (whether by ſtatute or the cuſtom of parliament) concludes with theſe general, comprehenſive words, "But, ſubject to theſe reſtrictions and diſ-"qualifications, *every* ſubject of the realm is eligible "of common right," a reader of plain underſtanding muſt of courſe reſt ſatisfied that no ſpecies of diſqualification whatſoever had been omitted. The known character of the author, and the apparent accuracy with which the whole work is compiled, would confirm him in his opinion; nor could he poſſibly form any other judgment, without looking upon your commentaries in the ſame light in which you conſider thoſe penal laws, which, though not repealed, are fallen into diſuſe, and are now in effect A SNARE TO THE UNWARY *.

You tell us, indeed, that it was not part of your plan to ſpecify any temporary incapacity; and that you could not, without a ſpirit of prophecy, have ſpecified the diſability of a private individual, ſubſequent to the period at which you wrote. What your plan was, I know not; but what it ſhould have been, in order to complete the work you have given us, is by no means difficult to determine. The incapacity, which you call temporary, may continue ſeven years; and though you might not have foreſeen the particular caſe of Mr. Wilkes, you might and ſhould have foreſeen the poſſibility of *ſuch* a caſe, and told us how far the houſe of commons were authoriſed to proceed in it by the law and cuſtom of parliament. The freeholders of Middleſex would then have known what they had to truſt to, and would never

* If, in ſtating the law upon any point, a judge deliberately affirms that he has included *every* caſe, and it ſhould appear that he has purpoſely omitted a material caſe, he does in effect lay a ſnare for the unwary.

never have returned Mr. Wilkes, when Colonel Luttrell was a candidate againſt him. They would have choſen ſome indifferent perſon, rather than ſubmit to be repreſented by the object of their contempt and deteſtation.

Your attempt to diſtinguiſh between diſabilities which affect whole claſſes of men, and thoſe which affect individuals only, is really unworthy of your underſtanding. Your commentaries had taught me, that, although the inſtance in which a penal law is exerted be particular, the laws themſelves are general. They are made for the benefit and inſtruction of the public, though the penalty falls only upon an individual. You cannot but know, Sir, that what was Mr. Wilkes's caſe yeſterday, may be yours or mine to-morrow, and that conſequently the common right of every ſubject of the realm is invaded by it. Profeſſing therefore to treat of the conſtitution of the houſe of commons, and of the laws and cuſtoms relative to that conſtitution, you certainly were guilty of a moſt unpardonable omiſſion in taking no notice of a right and privilege of the houſe, more extraordinary and more arbitrary than all the others they poſſeſs put together. If the expulſion of a member, not under any legal diſability, of itſelf creates in him an incapacity to be elected, I ſee a ready way marked out, by which the majority may at any time remove the honeſteſt and ableſt men who happen to be in oppoſition to them. To ſay that they *will not* make this extravagant uſe of their power, would be a language unfit for a man ſo learned in the laws as you are. By your doctrine, Sir, they *have* the power; and laws, you know, are intended to guard againſt what men *may* do, not to truſt to what they *will* do.

Upon the whole, Sir, the charge againſt you is of a plain, ſimple nature: It appears even upon the face of

of your own pamphlet. On the contrary, your juſtification of yourſelf is full of ſubtilty and refinement, and in ſome places not very intelligible. If I were perſonally your enemy, I ſhould dwell, with a malignant pleaſure, upon thoſe great and uſeful qualifications which you certainly poſſeſs, and by which you once acquired, though they could not preſerve to you, the reſpect and eſteem of your country. I ſhould enumerate the honours you have loſt, and the virtues you have diſgraced: but having no private reſentments to gratify, I think it ſufficient to have given my opinion of your public conduct, leaving the puniſhment it deſerves to your cloſet and to yourſelf.

JUNIUS.

LETTER XIX.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUGUST 14, 1769.

A CORRESPONDENT of the St. James's Evening Poſt firſt wilfully miſunderſtands Junius, then cenſures him for a bad reaſoner. Junius does not ſay that it was incumbent upon Doctor Blackſtone to foreſee and ſtate the crimes for which Mr. Wilkes was expelled. If, by a ſpirit of prophecy, he had even done ſo, it would have been nothing to the purpoſe. The queſtion is, not for what particular offences a perſon may be expelled, but generally whether by the law of parliament expulſion alone creates a diſqualification. If the affirmative be the law of parliament, Doctor Blackſtone might and ſhould have told us ſo. The queſtion is not confined to this or that particular perſon, but forms one great general branch of diſqualification, too important

in itſelf, and too extenſive in its conſequences, to be omitted in an accurate work expreſsly treating of the law of parliament.

The truth of the matter is evidently this. Dr. Blackſtone, while he was ſpeaking in the houſe of commons, never once thought of his Commentaries, until the contradiction was unexpectedly urged, and ſtared him in the face. Inſtead of defending himſelf upon the ſpot, he ſunk under the charge in an agony of confuſion and deſpair. It is well known that there was a pauſe of ſome minutes in the houſe, from a general expectation that the Doctor would ſay ſomething in his own defence; but it ſeems his faculties were too much overpowered to think of thoſe ſubtilties and refinements which have ſince occurred to him. It was then Mr. Grenville received the ſevere chaſtiſement, which the Doctor mentions with ſo much triumph: *I wiſh the honourable gentleman, inſtead of ſhaking his head, would ſhake a good argument out of it.* If to the elegance, novelty, and bitterneſs of this ingenious ſarcaſm, we add the natural melody of the amiable Sir Fletcher Norton's pipe, we ſhall not be ſurpriſed that Mr. Grenville was unable to make him any reply.

As to the Doctor, I would recommend it to him to be quiet. If not, he may perhaps hear again from Junius himſelf. PHILO JUNIUS.

Poſtſcript to a pamphlet intitled, 'An Anſwer to the 'queſtion ſtated.' Suppoſed to be written by Dr. Blackſtone, Solicitor to the Queen, in anſwer to Junius's Letter.

SINCE theſe papers were ſent to the preſs, a writer in the public papers, who ſubſcribes himſelf Junius, has made a feint of bringing this queſtion to a ſhort

ſhort iſſue. Though the foregoing obſervations contain, in my opinion at leaſt, a full refutation of all that this writer has offered, I ſhall, however, beſtow a very few words upon him. It will coſt me very little trouble to unravel and expoſe the ſophiſtry of this argument.

'I take the queſtion (ſays he) to be ſtrictly this: 'Whether or no it be the known, eſtabliſhed law of 'parliament, that the expulſion of a member of the 'houſe of commons of itſelf creates in him ſuch an 'incapacity to be re-elected, that, at a ſubſequent 'election, any votes given to him are null and void; 'and that any other candidate, who, except the per-'ſon expelled, has the greateſt number of votes, 'ought to be the ſitting member?'

Waving for the preſent any objection I may have to this ſtate of the queſtion, I ſhall venture to meet our champion upon his own ground, and attempt to ſupport the affirmative of it, in one of the two ways by which he ſays it can be alone fairly ſupported. 'If there be no ſtatute (ſays he) in which the ſpe-'cific diſability is clearly created, &c. (and we ac-'knowledge there is none) the cuſtom of parliament 'muſt then be referred to, and ſome caſe, or caſes, 'ſtrictly in point, muſt be produced, with the de-'ciſion of the court upon them.' Now I aſſert, that this has been done. Mr. Walpole's caſe is ſtrictly in point, to prove that expulſion creates abſolute incapacity of being re-elected. This was the clear deciſion of the houſe upon it; and was a full declaration, that incapacity was the neceſſary conſequence of expulſion. The law was as clearly and firmly fixed by this reſolution, and is as binding in every ſubſequent caſe of expulſion, as if it had been declared by an expreſs ſtatute, "that "a member expelled by a reſolution of the houſe of

" commons ſhall be deemed incapable of being re-
" elected." Whatever doubt then there might have been of the law before Mr. Walpole's caſe, with reſpect to the full operation of a vote of expulſion, there can be none now. The deciſion of the houſe upon this caſe is ſtrictly in point to prove, that expulſion creates abſolute incapacity in law of being re-elected.

But incapacity in law in this inſtance muſt have the ſame operation and effect with incapacity in law in every other inſtance. Now, incapacity of being re-elected implies, in its very terms, that any votes given to the incapable perſon, at a ſubſequent election, are null and void. This is its neceſſary operation, or it has no operation at all: It is *vox et præterea nihil.* We can no more be called upon to prove this propoſition, than we can to prove that a dead man is not alive, or that twice two are four. When the terms are underſtood, the propoſition is ſelf-evident.

Laſtly, it is, in all caſes of election, the known and eſtabliſhed law of the land, grounded upon the cleareſt principles of reaſon and common ſenſe, that if the votes given to one candidate are null and void, they cannot be oppoſed to the votes given to another candidate; they cannot affect the votes of ſuch candidate at all. As they have on the one hand no poſitive quality to add or eſtabliſh, ſo they have on the other hand no negative one to ſubſtract or deſtroy. They are, in a word, a mere nonentity. Such was the determination of the houſe of commons in the Malden and Bedford elections; caſes ſtrictly in point to the preſent queſtion, as far as they are meant to be in point. And to ſay, that they are not in point in all circumſtances, in thoſe particularly which are independent of the propoſition which they are quoted to

to prove, is to ſay no more than that Malden is not Middleſex, nor Serjeant Comyns Mr. Wilkes.

Let us ſee then how our proof ſtands. Expulſion creates incapacity, incapacity annihilates any votes given to the incapable perſon; the votes given to the qualified candidate, ſtand upon their own bottom, firm and untouched, and can alone have effect. This, one would think, would be ſufficient. But we are ſtopped ſhort, and told, that none of our precedents come home to the preſent caſe; and are challenged to produce "a precedent in all the proceedings of "the houſe of commons that does come home to it, "viz. *where an expelled member has been returned* "*again, and another candidate, with an inferior num-* "*ber of votes, has been declared the ſitting member.*"

Inſtead of a precedent, I will beg leave to put a caſe; which, I fancy, will be quite as deciſive to the preſent point. Suppoſe another Sacheverel (and every party muſt have its Sacheverel) ſhould at ſome future election take it into his head to offer himſelf a candidate for the county of Middleſex. He is oppoſed by a candidate, whoſe coat is of a different colour; but, however, of a very good colour. The divine has an indiſputable majority; nay, the poor layman is abſolutely diſtanced. The ſheriff, after having had his conſcience well informed by the reverend caſuiſt, returns him, as he ſuppoſes, duly elected. The whole houſe is in an uproar, at the apprehenſion of ſo ſtrange an appearance amongſt them. A motion, however, is at length made, that the perſon was incapable of being elected, that his election therefore is null and void, and that his competitor ought to have been returned. No, ſays a great orator; firſt, ſhow me your law for this proceeding. "Either produce me "a ſtatute, in which the ſpecific diſability of a clergy- "man is created; or, produce me a precedent *where*

" *a clergyman has been returned, and another candi-*
" *date, with an inferior number of votes, has been*
" *declared the ſitting member.*" No ſuch ſtatute, no ſuch precedent, is to be found. What anſwer then is to be given to this demand? The very ſame anſwer which I will give to that of Junius: That there is no more than one precedent in the proceedings of the houſe—" where an incapable perſon has been re-
" turned, and another candidate, with an inferior
" number of votes, has been declared the ſitting
" member; and that this is the known and eſtabliſh-
" ed law, in all caſes of incapacity, from whatever
" cauſe it may ariſe."

I ſhall now therefore beg leave to make a ſlight amendment to Junius's ſtate of the queſtion, the affirmative of which will then ſtand thus:

" It is the known and eſtabliſhed law of parlia-
" ment, that the expulſion of any member of the
" houſe of commons creates in him an incapacity of
" being re-elected; that any votes given to him at
" a ſubſequent election are, in conſequence of ſuch
" incapacity, null and void; and that any other can-
" didate, who, except the perſon rendered incapable,
" has the greateſt number of votes, ought to be the
" ſitting member."

But our buſineſs is not yet quite finiſhed. Mr. Walpole's caſe muſt have a re-hearing. " It is not
" poſſible (ſays this writer) to conceive a caſe more
" exactly in point. Mr. Walpole was expelled; and,
" having a majority of votes at the next election, was
" returned again. The friends of Mr. Taylor, a
" candidate ſet up by the miniſtry, petitioned the houſe
" that he might be the ſitting member. Thus far the
" circumſtances tally exactly, except that our houſe of
" commons ſaved Mr. Luttrell the trouble of peti-
" tioning. The point of law, however, was the
" ſame

« ſame. It came regularly before the houſe, and it « was their buſineſs to determine upon it. They « did determine it; for they declared Mr. Taylor « *not duly elected.*"

Inſtead of examining the juſtneſs of this repreſentation, I ſhall beg leave to oppoſe againſt it my own view of this caſe, in as plain a manner and as few words as I am able.

It was the known and eſtabliſhed law of parliament, when the charge againſt Mr. Walpole came before the houſe of commons, that they had power to expel, to diſable, and to render incapable, for offences. In virtue of this power, they expelled him.

Had they, in the very vote of expulſion, adjudged him, in terms, to be incapable of being re-elected, there muſt have been at once an end with him. But though the right of the houſe, both to expel, and adjudge incapable, was clear and indubitable, it does not appear to me, that the full operation and effect of a vote of expulſion ſingly was ſo. The law in this caſe had never been expreſsly declared. There had been no event to call up ſuch a declaration. I trouble not myſelf with the grammatical meaning of the word expulſion. I regard only its legal meaning. This was not, as I think, preciſely fixed. The houſe thought proper to fix it, and explicitly to declare the full conſequences of their former vote, before they ſuffered theſe conſequences to take effect. And in this proceeding they acted upon the moſt liberal and ſolid principles of equity, juſtice, and law. What then did the burgeſſes of Lynn collect from the ſecond vote? Their ſubſequent conduct will tell us: it will with certainty tell us, that they conſidered it as deciſive againſt Mr. Walpole; it will alſo, with equal certainty, tell us, that, upon ſuppoſition that the law of election ſtood then as it does now, and that they knew

knew it to ſtand thus, they inferred, "that at a fu-
"ture election, and in caſe of a ſimilar return, the
"houſe would receive the ſame candidate, as duly
"elected, whom they had before rejected." They could infer nothing but this.

It is needleſs to repeat the circumſtance of diſſimilarity in the preſent caſe. It will be ſufficient to obſerve, that as the law of parliament, upon which the houſe of commons grounded every ſtep of their proceedings, was clear beyond the reach of doubt, ſo neither could the freeholders of Middleſex be at a loſs to foreſee what muſt be the inevitable conſequence of their proceedings in oppoſition to it. For upon every return of Mr. Wilkes, the houſe made inquiry whether any votes were given to any other candidate.

But I could venture, for the experiment's ſake, even to give this writer the utmoſt he aſks; to allow the moſt perfect ſimilarity throughout in theſe two caſes; to allow, that the law of expulſion was quite as clear to the burgeſſes of Lynn, as to the freeholders of Middleſex. It will, I am confident, avail his cauſe but little. It will only prove, that the law of election at that time was different from the preſent law. It will prove, that, in all caſes of an incapable candidate returned, the law then was, that the whole election ſhould be void. But now we know that this is not law. The caſes of Malden and Bedford were, as has been ſeen, determined upon other and more juſt principles. And theſe determinations are, I imagine, admitted on all ſides to be law.

I would willingly draw a veil over the remaining part of this paper. It is aſtoniſhing, it is painful, to ſee men of parts and ability giving into the moſt unworthy artifices, and deſcending ſo much below their

true

true line of character. But if they are not the dupes of their ſophiſtry (which is hardly to be conceived) let them conſider that they are ſomething much worſe.

The deareſt intereſts of this country are its laws and its conſtitution. Againſt every attack upon theſe, there will, I hope, be always found amongſt us the firmeſt *ſpirit of reſiſtance*; ſuperior to the united efforts of faction and ambition. For ambition, though it does not always take the lead of faction, will be ſure in the end to make the moſt fatal advantage of it, and draw it to its own purpoſes. But, I truſt, our day of trial is yet far off; and there is a *fund of good ſenſe in this country, which cannot long be deceived* by the arts either of falſe reaſoning or falſe patriotiſm.

LETTER XX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUG. 8, 1769.

THE gentleman who has publiſhed an anſwer to Sir William Meredith's pamphlet, having honoured me with a poſtſcript of ſix quarto pages, which he moderately calls beſtowing a *very* few words upon me, I cannot, in common politeneſs, refuſe him a reply. The form and magnitude of a quarto impoſes upon the mind; and men, who are unequal to the labour of diſcuſſing an intricate argument, or wiſh to avoid it, are willing enough to ſuppoſe, that much has been proved, becauſe much has been ſaid. Mine, I confeſs, are humble labours. I do not preſume to inſtruct the learned, but ſimply to inform the body of the people; and I prefer that channel of conveyance which is likely to ſpread fartheſt amongſt them. The advocates of the miniſtry ſeem to me

me to write for fame, and to flatter themſelves, that the ſize of their works will make them immortal. They pile up reluctant quarto upon ſolid folio, as if their labours, becauſe they are gigantic, could contend with truth and heaven.

The writer of the volume in queſtion meets me upon my own ground. He acknowledges there is no ſtatute, by which the ſpecific diſability we ſpeak of is created: but he affirms, that the cuſtom of parliament has been referred to; and that a caſe ſtrictly in point has been produced, with the deciſion of the court upon it.——I thank him for coming ſo fairly to the point. He aſſerts, that the caſe of Mr. Walpole is ſtrictly in point to prove that expulſion creates an abſolute incapacity of being re-elected; and for this purpoſe he refers generally to the firſt vote of the houſe upon that occaſion, without venturing to recite the vote itſelf. The unfair, diſingenuous artifice of adopting that part of a precedent which ſeems to ſuit his purpoſe, and omitting the remainder, deſerves ſome pity, but cannot excite my reſentment. He takes advantage eagerly of the firſt reſolution, by which Mr. Walpole's incapacity is declared; but as to the two following, by which the candidate with the feweſt votes was declared "not duly elected," and the election itſelf vacated, I dare ſay he would be well ſatisfied if they were for ever blotted out of the journals of the houſe of commons. In fair argument, no part of a precedent ſhould be admitted, unleſs the whole of it be given to us together. The author has divided his precedent; for he knew, that, taken together, it produced a conſequence directly the reverſe of that which he endeavours to draw from a vote of expulſion. But what will this honeſt perſon ſay, if I take him at his word, and demonſtrate to him that the houſe of commons never meant to found

found Mr. Walpole's incapacity upon his expulſion only? What ſubterfuge will then remain?

Let it be remembered that we are ſpeaking of the intention of men who lived more than half a century ago, and that ſuch intention can only be collected from their words and actions as they are delivered to us upon record. To prove their deſigns by a ſuppoſition of what they would have done, oppoſed to what they actually did, is mere trifling and impertinence. The vote, by which Mr. Walpole's incapacity was declared, is thus expreſſed: "That Robert Walpole, "Eſq. having been this ſeſſion of parliament com- "mitted a priſoner to the Tower, and expelled this "houſe for a breach of truſt in the execution of his "office, and notorious corruption when ſecretary at "war, was and is incapable of being elected a mem- "ber to ſerve in this preſent parliament."* Now, Sir, to my underſtanding, no propoſition of this kind can be more evident, than that the houſe of commons, by this very vote, themſelves underſtood, and meant to declare, that Mr. Walpole's incapacity aroſe from the crimes he had committed, not from the puniſhment the houſe annexed to them. The high breach of truſt, the notorious corruption, are ſtated in the ſtrongeſt terms. They do not tell us that he was incapable becauſe he was expelled, but becauſe he had been guilty of ſuch offences as juſtly rendered him unworthy of a ſeat in parliament. If they had intended

* It is well worth remarking, that the compiler of a certain quarto, called *The caſe of the laſt election for the county of Middleſex conſidered*, has the impudence to recite this very vote, in the following terms, vide page 11. "Reſolved, that Robert Walpole, Eſq. "having been that ſeſſion of parliament expelled the houſe, was and "is incapable of being elected a member to ſerve in the preſent par- "liament." There cannot be a ſtronger poſitive proof of the treachery of the compiler, nor a ſtronger preſumptive proof that he was convinced that the vote, if truly recited, would overturn his whole argument.

tended to fix the diſability upon his expulſion alone, the mention of his crimes in the ſame vote would have been highly improper. It could only perplex the minds of the electors, who, if they collected any thing from ſo confuſed a declaration of the law of parliament, muſt have concluded that their repreſentative had been declared incapable becauſe he was highly guilty, not becauſe he had been puniſhed. But even admitting them to have underſtood it in the other ſenſe, they muſt then, from the very terms of the vote, have united the idea of his being ſent to the Tower with that of his expulſion, and conſidered his incapacity as the joint effect of both. *

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* ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MAY 22, 1777.

VERY early in the debate upon the deciſion of the Middleſex election, it was obſerved by Junius, that the houſe of commons had not only exceeded their boaſted precedent of the expulſion and ſubſequent incapacitation of Mr. Walpole, but that they had not even adhered to it ſtrictly as far as it went. After convicting Mr. Dyſon of giving a falſe quotation from the Journals, and having explained the purpoſe which that contemptible fraud was intended to anſwer, he proceeds to ſtate the vote itſelf by which Mr. Walpole's ſuppoſed incapacity was declared, viz.—"Reſolved, "That Robert Walpole, Eſq. having been this ſeſſion of parliament committed a priſoner to the Tower, and expelled this "houſe for a high breach of truſt in the execution of his office, and "notorious corruption when ſecretary at war, was and is incapable "of being elected a member to ſerve in the preſent parliament:" —and then obſerves that, from the terms of the vote, we have no right to annex the incapacitation to the *expulſion* only; for that, as the propoſition ſtands, it muſt ariſe equally from the expulſion and the commitment to the Tower. I believe, Sir, no man, who knows any thing of Dialectics, or who underſtands Engliſh, will diſpute the truth and fairneſs of this conſtruction. But Junius has a great authority to ſupport him, which, to ſpeak with the Duke of Grafton, I accidently met with this morning in the courſe of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent tract upon the rights of the people, after reciting the votes of the convention of the 28th of January 1787, viz.—"That King James the Second, having en-

"deavoured

I do not mean to give an opinion upon the juſtice of the proceedings of the houſe of commons with regard to Mr. Walpole; but certainly, if I admitted their cenſure to be well founded, I could no way avoid agreeing with them in the conſequence they drew from it. I could never have a doubt in law or reaſon, that a man convicted of a high breach of truſt, and of a notorious corruption, in the execution

" deavoured to ſubvert the conſtitution of this kingdom by break-
" ing the original contract between King and people, and by the
" advice of Jeſuits and other wicked perſons having violated the
" fundamental laws, and having withdrawn himſelf out of this
" kingdom, hath abdicated the government, &c."—makes this obſervation upon it: " The word *abdicated* relates to *all* the clauſes
" aforegoing, as well as to his deſerting the kingdom, or elſe they
" would have been wholly in vain." And that there might be no pretence for confining the *abdication* merely to the *withdrawing*, Lord Summers farther obſerves, *that King James, by refuſing to govern us according to that law by which he held the crown, implicitly renounced his title to it.*

If Junius's conſtruction of the vote againſt Mr. Walpole be now admitted (and indeed I cannot comprehend how it can honeſtly be diſputed) the advocates of the houſe of commons muſt either give up their precedent entirely, or be reduced to the neceſſity of maintaining one of the groſſeſt abſurdities imaginable, viz. " That a
" commitment to the Tower is a conſtituent part of, and contri-
" butes half at leaſt to, the incapacitation of the perſon who ſuffers
" it."

I need not make you any excuſe for endeavouring to keep alive the attention of the public to the deciſion of the Middleſex election. The more I conſider it, the more I am convinced, that, as a *fact*, it is indeed highly injurious to the rights of the people; but that, as a *precedent*, it is one of the moſt dangerous that ever was eſtabliſhed againſt thoſe who are to come after us. Yet I am ſo far a moderate man, that I verily believe the majority of the houſe of commons, when they paſſed this dangerous vote, neither underſtood the queſtion, nor knew the conſequence of what they were doing. Their motives were rather deſpicable, than criminal, in the extreme. One effect they certainly did not foreſee. They are now reduced to ſuch a ſituation, that if a member of the preſent houſe of commons were to conduct himſelf ever ſo improperly, and in reality deſerve to be ſent back to his conſtituents with a mark of diſgrace, they would not dare to expel him; becauſe they know that the people

of a public office, was and ought to be incapable of ſitting in the ſame parliament. Far from attempting to invalidate that vote, I ſhould have wiſhed that the incapacity declared by it could legally have been continued for ever.

Now, Sir, obſerve how forcibly the argument returns. The houſe of commons, upon the face of their proceedings, had the ſtrongſt motives to declare Mr. Walpole incapable of being re-elected. They thought ſuch a man unworthy to ſit among them. To that point they proceeded, and no farther; for they reſpected the rights of the people, while they aſſerted their own. They did not infer, from Mr. Walpole's incapacity, that his opponent was duly elected; on the contrary they declared Mr. Taylor "Not duly elected," and the election itſelf void.

Such, however, is the precedent which my honeſt friend aſſures us is ſtrictly in point to prove, that expulſion of itſelf creates an incapacity of being elected. If it had been ſo, the preſent houſe of commons ſhould at leaſt have followed ſtrictly the example before them, and ſhould have ſtated to us in the ſame vote the crimes for which they expelled Mr. Wilkes; whereas they reſolve ſimply, that, "having been expelled, "he was, and is incapable." In this proceeding I am authorized to affirm, they have neither ſtatute, nor cuſtom, nor reaſon, nor one ſingle precedent to ſupport

people, in order to try again the great queſtion of right, or to thwart an odious houſe of commons, would probably overlook his immediate unworthineſs, and return the ſame perſon to parliament. —But in time the precedent will gain ſtrength. A future houſe of commons will have no ſuch apprehenſions; conſequently will not ſcruple to follow a precedent, which they did not eſtabliſh. The miſer himſelf ſeldom lives to enjoy the fruit of his extortion; but his heir ſucceeds him of courſe, and takes poſſeſſion without cenſure. No man expects him to make reſtitution; and no matter for his title, he lives quietly upon the eſtate. PHILO JUNIUS.

ſupport them. On the other ſide, there is indeed a precedent ſo ſtrongly in point, that all the enchanted caſtles of miniſterial magic fall before it. In the year 1698 (a period which the rankeſt Tory dare not except againſt) Mr. Wollaſton was expelled, re-elected, and admitted to take his ſeat in the ſame parliament. The miniſtry have precluded themſelves from all objections drawn from the cauſe of his expulſion; for they affirm abſolutely, that expulſion of itſelf creates the diſability. Now, Sir, let ſophiſtry evade, let falſehood aſſert, and impudence deny—here ſtands the precedent, a land-mark to direct us through a troubled ſea of controverſy, conſpicuous and unremoved.

I have dwelt the longer upon the diſcuſſion of this point, becauſe, in *my* opinion, it comprehends the whole queſtion. The reſt is unworthy of notice. We are inquiring whether incapacity be or be not created by expulſion. In the caſes of Bedford and Malden, the incapacity of the perſons returned was matter of public notoriety, for it was created by act of parliament. But really, Sir, my honeſt friend's ſuppoſitions are as unfavourable to him as his facts. He well knows that the clergy, beſides that they are repreſented in common with their fellow-ſubjects, have alſo a ſeparate parliament of their own: that their incapacity to ſit in the houſe of commons has been confirmed by repeated deciſions of the houſe; and that the law of parliament declared by thoſe deciſions, has been for above two centuries notorious and undiſputed. The author is certainly at liberty to fancy caſes, and make whatever compariſon he thinks proper; his ſuppoſitions ſtill continue as diſtant from fact, as his wild diſcourſes are from ſolid argument.

The concluſion of his book is candid to extreme. He offers to grant me all I deſire. He thinks he may ſafely admit that the caſe of Mr. Walpole makes

directly againſt him, for it ſeems he has one grand ſolution *in petto* for all difficulties. *If*, ſays he, *I were to allow all this, it will only prove, that the law of election was different in Queen Anne's time from what it is at preſent.*

This indeed is more than I expected. The principle, I know, has been maintained in fact; but I never expected to ſee it ſo formally declared. What can he mean? Does he aſſume this language to ſatisfy the doubts of the people; or does he mean to rouſe their indignation? Are the miniſtry daring enough to affirm, that the houſe of commons have a right to make and unmake the law of parliament at their pleaſure?—Does the law of parliament, which we are ſo often told is the law of the land;—does the common right of every ſubject of the realm, depend upon an arbitrary, capricious vote of one branch of the legiſlature?—The voice of truth and reaſon muſt be ſilent.

The miniſtry tell us plainly, that this is no longer a queſtion of right, but of power and force alone. What was law yeſterday is not law to-day: and now it ſeems we have no better rule to live by, than the temporary diſcretion and fluctuating integrity of the houſe of commons.

Profeſſions of patriotiſm are become ſtale and ridiculous. For my own part, I claim no merit from endeavouring to do a ſervice to my fellow-ſubjects. I have done it to the beſt of my underſtanding; and without looking for the approbation of other men, my conſcience is ſatisfied. What remains to be done concerns the collective body of the people. They are now to determine for themſelves, whether they will firmly and conſtitutionally aſſert their rights; or make an humble, ſlaviſh ſurrender of them at the feet of the miniſtry. To a generous mind there cannot be a doubt. We owe it to our anceſtors to

preſerve

preſerve entire theſe rights which they have delivered to our care: we owe it to our poſterity, not to ſuffer their deareſt inheritance to be deſtroyed. But if it were poſſible for us to be inſenſible of theſe ſacred claims, there is yet an obligation binding upon ourſelves, from which nothing can acquit us;—a perſonal intereſt, which we cannot ſurrender. To alienate even our own rights, would be a crime as much more enormous than ſuicide, as a life of civil ſecurity and freedom is ſuperior to a bare exiſtence; and if life be the bounty of heaven, we ſcornfully reject the nobleſt part of the gift, if we conſent to ſurrender that certain rule of living, without which the condition of human nature is not only miſerable, but contemptible. JUNIUS.

LETTER XXI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUG. 22, 1769.

I MUST beg of you to print a few lines, in explanation of ſome paſſages in my laſt letter, which I ſee have been miſunderſtood.

1. When I ſaid, that the houſe of commons never meant to found Mr. Walpole's incapacity on his expulſion *only*, I meant no more than to deny the general propoſition that expulſion *alone* creates the incapacity. If there be any thing ambiguous in the expreſſion, I beg leave to explain it by ſaying, that, in my opinion, expulſion neither creates, nor in any part contributes to create, the incapacity in queſtion.

2. I carefully avoided entering into the merits of Mr. Walpole's caſe. I did not inquire, whether the houſe of commons acted juſtly, or whether they truly declared the law of parliament. My remarks went

only to their apparent meaning and intention, as it ſtands declared in their own reſolution.

3. I never meant to affirm, that a commitment to the Tower created a diſqualification. On the contrary, I conſidered that idea as an abſurdity, into which the miniſtry muſt inevitably fall, if they reaſoned right upon their own principles.

The caſe of Mr. Wollaſton ſpeaks for itſelf. The miniſtry aſſert that *expulſion alone* creates an abſolute, complete incapacity to be re-elected to ſit in the ſame parliament. This propoſition they have uniformly maintained, without any condition or modification whatſoever. Mr. Wollaſton was expelled, re-elected, and admitted to take his ſeat in the ſame parliament. —I leave it to the public to determine, whether this be a plain matter of fact, or mere nonſenſe or declamation.

JUNIUS.

LETTER XXII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SEPT. 4 1769.

ARGUMENT againſt FACT; or, a new ſyſtem of political Logic, by which the miniſtry have demonſtrated, to the ſatisfaction of their friends, that expulſion alone creates a complete incapacity to be re-elected; *alias*, that a ſubject of this realm may be robbed of his common right by a vote of the houſe of commons.

FIRST FACT.

MR. Wollaſton, in 1698, *was expelled, re-elected, and admitted to take his ſeat.*

ARGU-

ARGUMENT.

As this cannot conveniently be reconciled with our general propoſition, it may be neceſſary to ſhift our ground, and look back to the *cauſe* of Mr. Wollaſton's expulſion. From thence it will appear clearly, that, "although he was expelled, he had not "rendered himſelf a culprit too ignominious to ſit "in parliament; and that having reſigned his em-"ployment, he was no longer incapacitated by law." *Vide Serious Conſiderations*, page 23. Or thus, "The "houſe, ſomewhat *inaccurately*, uſed the word EX-"PELLED; they ſhould have called it A MOTION." *Vide Mungo's caſe conſidered*, page 11. Or, in ſhort, if theſe arguments ſhould be brought inſufficient, we may fairly deny the fact. For example: "I af-"firm that he was not re-elected. The ſame Mr. "Wollaſton, who was expelled, was not again elect-"ed. The ſame individual, if you pleaſe, walked "into the houſe, and took his ſeat there; but the "ſame perſon in law was not admitted a member "of that parliament, from which he had been diſ-"carded." *Vide Letter to Junius*, page 12.

SECOND FACT.

Mr. Walpole having been committed to the Tower, and expelled for a high breach of truſt and notorious corruption in a public office, was declared incapable, &c.

ARGUMENT.

From the terms of this vote, nothing can be more evident, than that the houſe of commons meant to fix the incapacity upon the puniſhment, and not upon the crime; but leſt it ſhould appear in a different light

light to weak, uninformed perſons, it may be adviſable to gut the reſolution, and give it to the public, with all poſſible ſolemnity, in the following terms, viz. "Reſolved, that Robert Walpole, Eſq. having been that ſeſſion of parliament expelled the houſe, was and is incapable of being elected member to ſerve in that preſent parliament." *Vide Mungo on the uſe of quotations*, page 11.

N. B. The author of the anſwer to Sir William Meredith ſeems to have made uſe of Mungo's quotation; for in page 18, he aſſures us, "That the declaratory vote of the 17th of February, 1769, was indeed a literal copy of the reſolution of the houſe in Mr. Walpole's caſe."

THIRD FACT.

His opponent, Mr. Taylor, having the ſmalleſt number of votes at the next election, was declared NOT DULY ELECTED.

ARGUMENT.

This fact we conſider as directly in point to prove that Mr. Luttrel ought to be the ſitting member, for the following reaſons: "The burgeſſes of Lynn could draw no other inference from this reſolution, but this, that at a future election, and in caſe of a ſimilar return, the houſe would receive the ſame candidate as duly elected, whom they had before rejected." *Vide Poſtſcript to Junius*, p. 37. Or thus: "This their reſolution leaves no room to doubt what part they *would* have taken, if, upon a ſubſequent re-election of Mr. Walpole, there had been any other candidate in competition with him. For, by their vote, they could have no other intention

"tention than to admit ſuch other candidate." *Vide Mungo's caſe conſidered*, p. 39. Or take it in this light:—The burgeſſes of Lynn having, in defiance of the houſe, retorted upon them a perſon, whom they had branded with the moſt ignominious marks of their diſpleaſure, were thereby ſo well intitled to favour an indulgence, that the houſe could do no leſs than rob Mr. Taylor of a right legally veſted in him, in order that the burgeſſes might be appriſed of the law of parliament; which law the houſe took a very direct way of explaining to them, by reſolving that the candidate with the feweſt votes was not duly elected:—"And was not this much more "equitable, more in the ſpirit of that equal and ſub-"ſtantial juſtice, which is the end of all law, than if "they had violently adhered to the ſtrict maxims of "law?" *Vide Serious Conſiderations*, p. 33 and 34. "And if the preſent houſe of commons had choſen to "follow the ſpirit of this reſolution, they would have "received and eſtabliſhed the candidate with the "feweſt votes." *Vide Anſwer to Sir W. M.* p. 18.

Permit me now, Sir, to ſhow you, that the worthy Dr. Blackſtone ſometimes contradicts the miniſtry as well as himſelf. The Speech without doors aſſerts, p. 9. "That the legal effect of an incapacity, founded "on a judicial determination of a complete court, is "preciſely the ſame as that of an incapacity created "by act of parliament." Now for the Doctor.—*The law and the opinion of the judge are not always convertible terms, or one and the ſame thing; ſince it ſometimes may happen that the judge may miſtake the law.* Commentaries, Vol. I. p. 71.

The anſwer to Sir W. M. aſſerts, p. 23, "That "the returning officer is not a judicial, but a purely "miniſterial officer. His return is no judicial act."—At 'em again, Doctor. *The Sheriff, in his judicial capacity,*

capacity, is to hear and determine cauſes of forty ſhillings value and under in his county court. He has alſo a judicial power in divers other civil caſes. He is likewiſe to decide the elections of Knights of the Shire (ſubject to the controul of the houſe of commons) to judge of the qualification of voters, and to return ſuch as he ſhall DETERMINE *to be duly elected. Vide* Commentaries, Vol. I. p. 332.

What concluſions ſhall we draw from ſuch facts, and ſuch arguments, ſuch contradictions? I cannot expreſs my opinion of the preſent miniſtry more exactly than in the words of Sir Richard Steele: "That "we are governed by a ſet of drivellers, whoſe folly "takes away all dignity from diſtreſs, and makes even "calamity ridiculous."

PHILO JUNIUS.

LETTER XXIII.

TO HIS GRACE THE DUKE OF BEDFORD.

MY LORD, SEPT 19, 1769.

YOU are ſo little accuſtomed to receive any marks of reſpect or eſteem from the public, that if, in the following lines, a compliment or expreſſion of applauſe ſhould eſcape me, I fear you would conſider it as a mockery of your eſtabliſhed character, and perhaps an inſult to your underſtanding. You have nice feelings, my Lord, if we may judge from your reſentments. Cautious therefore of giving offence, where you have ſo little deſerved it, I ſhall leave the illuſtration of your virtues to other hands. Your friends have a privilege to play upon the eaſineſs of your temper, or poſſibly they are better acquainted with your good qualities than I am. You have done good by ſtealth. The reſt is upon record. You have ſtill left

left ample room for ſpeculation, when panegyric is exhauſted.

You are indeed a very conſiderable man. The higheſt rank;—a ſplendid fortune;—and a name, glorious till it was your's,—were ſufficient to have ſupported you with meaner abilities than I think you poſſeſs. From the firſt, you derive a conſtitutional claim to reſpect; from the ſecond, a natural, extenſive authority;—the laſt created a partial expectation of hereditary virtues. The uſe you have made of theſe uncommon advantages might have been more honourable to yourſelf, but could not be more inſtructive to mankind. We may trace it in the veneration of your country, the choice of your friends, and in the accompliſhment of every ſanguine hope which the public might have conceived from the illuſtrious name of Ruſſel.

The eminence of your ſtation gave you a commanding proſpect of your duty. The road which led to honour, was open to your view. You could not loſe it by miſtake, and you had no temptation to depart from it by deſign. Compare the natural dignity and importance of the richeſt peer of England;—the noble independence which he might have maintained in parliament, and the real intereſt and reſpect which he might have acquired, not only in parliament, but through the whole kingdom:—compare theſe glorious diſtinctions with the ambition of holding a ſhare in government, the emoluments of a place, the ſale of a borough, or the purchaſe of a corporation; and though you may not regret the virtues which create reſpect, you may ſee with anguiſh how much real importance and authority you have loſt. Conſider the character of an independent, virtuous Duke of Bedford; imagine what he might be in this country, then reflect one moment upon what you are. If it

be

be poſſible for me to withdraw my attention from the fact, I will tell you in the theory what ſuch a man might be.

Conſcious of his own weight and importance, his conduct in parliament would be directed by nothing but the conſtitutional duty of a peer. He would conſider himſelf as a guardian of the laws. Willing to ſupport the juſt meaſures of government, but determined to obſerve the conduct of the miniſter with ſuſpicion, he would oppoſe the violence of faction with as much firmneſs as the encroachments of prerogative. He would be as little capable of bargaining with the miniſter for places for himſelf or his dependents, as of deſcending to mix himſelf in the intrigues of oppoſition. Whenever an important queſtion called for his opinion in parliament, he would be heard, by the moſt profligate miniſter, with deference and reſpect. His authority would either ſanctify or diſgrace the meaſures of government.—The people would look up to him as their protector; and a virtuous prince would have one honeſt man in his dominions, in whoſe integrity and judgment he might ſafely confide. If it ſhould be the will of Providence to afflict him with a domeſtic misfortune *, he would ſubmit to the ſtroke, with feeling, but not without dignity. He would conſider the people as his children, and receive a generous heart-felt conſolation in the ſympathizing tears and bleſſings of his country.

Your Grace may probably diſcover ſomething more intelligible in the negative part of this illuſtrious character. The man I have deſcribed would never proſtitute his dignity in parliament by an indecent violence either in oppoſing or defending a miniſter. He would not at one moment rancorouſly perſecute, at another baſely cringe to the favourite of his Sovereign.

* The Duke lately loſt his only ſon, by a fall from his horſe.

vereign. After outraging the royal dignity with preremptory conditions little ſhort of menace and hoſtility, he would never deſcend to the humility of ſoliciting an interview * with the favourite, and of offering to recover at any price the honour of his friendſhip. Though deceived perhaps in his youth, he would not, through the courſe of a long life, have invariably choſen his friends from among the moſt profligate of mankind. His own honour would have forbidden him from mixing his private pleaſures or converſation with jockeys, gameſters, blaſphemers, gladiators, or buffoons. He would then have never felt, much leſs would he have ſubmitted to, the diſhoneſt neceſſity of engaging in the intereſts and intrigues of his dependants; of ſupplying their vices, or relieving their beggary, at the expence of his country. He would not have betrayed ſuch ignorance, or ſuch contempt, of the conſtitution, as openly to avow, in a court of juſtice, the † purchaſe and ſale of a borough. He would not have thought it conſiſtent with his rank in the ſtate, or even with his perſonal importance, to be the little tyrant of a little corporation ‡, He would never have been inſulted with virtues, which he had laboured to extinguiſh; nor ſuffered the diſ-

* At this interview, which paſſed at the houſe of the late Lord Eglington, Lord Bute told the Duke that he was determined never to have any connexion with a man who had ſo baſely betrayed him.

† In an anſwer in Chancery, in a ſuit againſt him to recover a large ſum paid him by a perſon whom he had undertaken to return to parliament, for one of his Grace's boroughs. He was compelled to repay the money.

‡ Of Bedford; where the tyrant was held in ſuch contempt and deteſtation, that, in order to deliver themſelves from him, they admitted a great number of ſtrangers to the freedom. To make his defeat truly ridiculous, he tried his whole ſtrength again Mr. *Horne*, and was beaten upon his own ground.

grace of a mortifying defeat, which has made him ridiculous and contemptible, even to the few by whom he was not deteſted—I reverence the afflictions of a good man,—his ſorrows are ſacred. But how can we take part in the diſtreſſes of a man, whom we can neither love nor eſteem; or feel for a calamity, of which he himſelf is inſenſible? Where was the father's heart, when he could look for, or find, an immediate conſolation for the loſs of an only ſon, in conſultations and bargains for a place at court, and even in the miſery of balloting at the India houſe.

Admitting then that you have miſtaken or deſerted thoſe honourable principles which ought to have directed your conduct; admitting that you have as little claim to private affection as to public eſteem; let us ſee with what abilities, with what degree of judgment, you have carried your own ſyſtem into execution. A great man, in the ſucceſs and even in the magnitude of his crimes, finds a reſcue from contempt. Your Grace is every way unfortunate. Yet I will not look back to thoſe ridiculous ſcenes, by which in your earlier days you thought it an honour to be diſtinguiſhed*;—the recorded ſtripes, the public infamy, your own ſufferings, or Mr. Rigby's fortitude. Theſe events undoubtedly left an impreſſion, though not upon your mind. To ſuch a mind it may perhaps be a pleaſure to reflect, that there

* Mr. Heſton Homphrey, a country Attorney, horſewhipped the Duke, with equal juſtice, ſeverity, and perſeverance, on the Courſe at Litchfield. *Rigby* and Lord *Trentham* were alſo cudgelled in a moſt exemplary manner. This gave riſe to the following ſtory: "When the late King heard that Sir Edward Hawke had "given the French a *drubbing*, his Majeſty, who had never re- "ceived that kind of chaſtiſement, was pleaſed to aſk Lord Che- "ſterfield the meaning of the word——Sir, ſays Lord Cheſterfield, "the meaning of the word—but here comes the Duke of Bedford, "who is better able to explain it to your majeſty than I am."

there is hardly a corner of any of his Majeſty's kingdoms, except France, in which, at one end or another, your valuable life has not been in danger. Amiable man! we ſee and acknowledge the protection of Providence, by which you have ſo often eſcaped the perſonal deteſtation of your fellow-ſubjects, and are ſtill reſerved for the public juſtice of your country.

Your hiſtory begins to be important at that auſpicious period, at which you were deputed to repreſent the Earl of Bute at the court of Verſailles. It was an honourable office, and executed with the ſame ſpirit with which it was accepted. Your patrons wanted an ambaſſador, who would ſubmit to make conceſſions without daring to inſiſt upon any honourable condition for his Sovereign. Their buſineſs required a man who had as little feeling for his own dignity as for the welfare of his country; and they found him in the firſt rank of the nobility. Belleiſle, Goree, Guadeloupe, St. Lucia, Martinique, the Fiſhery, and the Havannah, are glorious monuments of your Grace's talents for negociation. My Lord, we are too well acquainted with your pecuniary character, to think it poſſible that ſo many public ſacrifices ſhould have been made without ſome private compenſations. Your conduct carries with it an internal evidence, beyond all the legal proofs of a court of juſtice. Even the callous pride of Lord Egremont was alarmed *. He ſaw and felt his own diſhonour in correſponding with you; and there certainly was a moment, at which he meant to

* This man, notwithſtanding his pride and Tory principles, had ſome Engliſh ſtuff in him. Upon an official letter he wrote to the Duke of Bedford, the Duke deſired to be recalled, and it was with the utmoſt difficulty that Lord Bute could appeaſe him.

have reſiſted, had not a fatal lethargy prevailed over his faculties, and carried all ſenſe and memory away with it.

I will not pretend to ſpecify the ſecret terms on which you were invited to ſupport an † adminiſtration which Lord Bute pretended to leave in full poſſeſſion of their miniſterial authority, and perfectly maſters of themſelves. He was not of a temper to relinquiſh power, though he retired from employment. Stipulations were certainly made between your Grace and him, and certainly violated. After two years ſubmiſſion, you thought you had collected a ſtrength ſufficient to controul his influence; and that it was your turn to be a tyrant, becauſe you had been a ſlave. When you found yourſelf miſtaken in your opinion of your gracious Maſter's firmneſs, diſappointment got the better of all your humble diſcretion, and carried you to an exceſs of outrage to his perſon, as diſtant from true ſpirit, as from all decency and reſpect*. After robbing him of the rights of a King, you would not permit him to preſerve the honour of a gentleman. It was then Lord Weymouth was nominated to Ireland, and diſpatched (we well remember with what indecent hurry) to plunder the treaſury of the firſt fruits of an employment which you well know he was never to execute †.

This

† Mr. Grenville, Lord Halifax, and Lord Egremont.

* The miniſtry having endeavoured to exclude the Dowager out of the regency bill, the Earl of Bute determined to diſmiſs them. Upon this the Duke of Bedford demanded an audience of the —; reproached him in plain terms with his duplicity, baſeneſs, falſehood, treachery, and hypocriſy—repeatedly gave him the lie, and and left him in convulſions.

† He received three thouſand pounds for plate and equipage money.

This ſudden declaration of war againſt the favourite might have given you a momentary merit with the public, if it had either been adopted upon principle, or maintained with reſolution. Without looking back to all your former ſervility, we need only obſerve your ſubſequent conduct, to ſee upon what motives you acted. Apparently united with Mr. Grenville, you waited until Lord Rockingham's feeble adminiſtration ſhould diſſolve in its own weakneſs.---The moment their diſmiſſion was ſuſpected, the moment you perceived that another ſyſtem was adopted in the cloſet, you thought it no diſgrace to return to your former dependence, and ſolicit once more the friendſhip of Lord Bute. You begged an interview, at which he had ſpirit enough to treat you with contempt.

It would be now of little uſe to point out, by what a train of weak, injudicious meaſures, it became neceſſary, or was thought ſo, to call you back to a ſhare in the adminiſtration *. The friends whom you did not in the laſt inſtance deſert, were not of a character to add ſtrength or credit to government; and at that time your alliance with the Duke of Grafton was, I preſume, hardly foreſeen. We muſt look for other ſtipulations, to account for that ſudden reſolution of the cloſet, by which three of your dependants † (whoſe characters, I think, cannot be leſs reſpected than they are) were advanced to offices, through which you might again controul the miniſter, and probably engroſs the whole direction of affairs.

The poſſeſſion of abſolute power is now once more within your reach. The meaſures you have taken

* When Earl Gower was appointed Preſident of the council, the King with his uſual ſincerity aſſured him, that he had not had one happy moment ſince the Duke of Bedford left him.

† Lords Gower, Weymouth, and Sandwich.

to obtain and confirm it, are too groſs to eſcape the eyes of a diſcerning, judicious prince. His palace is beſieged; the lines of circumvallation are drawing round him; and unleſs he finds a reſource in his own activity, or in the attachment of the real friends of his family, the beſt of princes muſt ſubmit to the confinement of a ſtate-priſoner, until your Grace's death, or ſome leſs fortunate event, ſhall raiſe the ſiege. For the preſent, you may ſafely reſume that ſtile of inſult and menace, which even a private gentleman cannot ſubmit to hear without being contemptible. Mr. Mackenzie's hiſtory is not yet forgotten; and you may find precedents enough of the mode, in which an imperious ſubject may ſignify his pleaſure to his Sovereign. Where will this gracious monarch look for aſſiſtance, when the wretched Grafton could forget his obligations to his maſter, and deſert him for a hollow alliance with *ſuch* a man as the Duke of Bedford!

Let us conſider you, then, as arrived at the ſummit of wordly greatneſs; let us ſuppoſe, that all your plans of avarice and ambition are accompliſhed, and your moſt ſanguine wiſhes gratified in the fear as well as the hatred of the people: Can age itſelf forget that you are in the laſt act of life? Can grey hairs make folly venerable? and is there no period to be reſerved for meditation and retirement? For ſhame! my Lord, let it not be recorded of you, that the lateſt moments of your life were dedicated to the ſame unworthy purſuits, the ſame buſy agitations, in which your youth and manhood were exhauſted. Conſider, that although you cannot diſgrace your former life, you are violating the character of age, and expoſing the impotent imbecility after you have loſt the vigour of the paſſions.

Your

Your friends will aſk, perhaps, Whither ſhall this unhappy old man retire? Can he remain in the metropolis, where his life has been ſo often threatened, and his palace ſo often attacked? If he returns to Wooburn, ſcorn and mockery await him. He muſt create a ſolitude round his eſtate, if he would avoid the face of reproach and deriſion. At Plymouth, his deſtruction would be more than probable; at Exeter, inevitable. No honeſt Engliſhman will ever forget his attachment, nor any honeſt Scotchman forgive his treachery, to Lord Bute. At every town he enters, he muſt change his liveries and name. Whichever way he flies, the *Hue and Cry* of the country purſues him.

In another kingdom, indeed, the bleſſings of his adminiſtration have been more ſenſibly felt; his virtues better underſtood; or at worſt they will not, for him alone, forget their hoſpitality.—As well might VERRES have returned to Sicily. You have twice eſcaped, my Lord; beware of a third experiment. The indignation of a whole people, plundered, inſulted, and oppreſſed as they have been, will not always be diſappointed.

It is in vain therefore to ſhift the ſcene. You can no more fly from your enemies than from yourſelf. Perſecuted abroad, you look into your own heart for conſolation, and find nothing but reproaches and deſpair. But, my Lord, you may quit the field of buſineſs, though not the field of danger; and though you cannot be ſafe, you may ceaſe to be ridiculous. I fear you have liſtened too long to the advice of thoſe pernicious friends, with whoſe intereſts you have ſordidly united your own, and for whom you have ſacrificed every thing that ought to be dear to a man of honour. They are ſtill baſe enough to encourage the follies of your age, as they once did the voices

vices of your youth. As little acquainted with the rules of decorum as with the laws of morality, they will not ſuffer you to profit by experience, nor even to conſult the propriety of a bad character. Even now they tell you, that life is no more than a dramatic ſcene, in which the hero ſhould preſerve his conſiſtency to the laſt; and that as you lived without virtue, you ſhould die without repentance.

JUNIUS.

LETTER XXIV.

TO JUNIUS.

SIR, SEPT. 14, 1769.

HAVING accidentally ſeen a *republication* of your letters, wherein you have been pleaſed to *aſſert*, that I had *ſold* the companions of my ſucceſs; I am again obliged to declare the ſaid aſſertion to be a moſt *infamous* and *malicious falſehood*; and I *again* call upon you to ſtand forth, avow yourſelf, and *prove* the charge. If you can make it out to the ſatisfaction of any one man in the kingdom, I will be content to be thought the worſt man in it; if you do not, what muſt the nation think of you? *Party* has nothing to do in this affair: you have made a perſonal attack upon my honour, defamed me by a moſt vile calumny, which might poſſibly have ſunk into oblivion, had not ſuch uncommon pains been taken to renew and perpetuate this ſcandal chiefly becauſe it has been told in good language: for I give you full credit for your elegant diction, well-turned periods, and Attic wit: but wit is oftentimes falſe, though it may appear brilliant; which is exactly the caſe of your *whole performance*. But, Sir, I am obliged in the moſt *ſerious* manner to accuſe you of being guilty

of

of *falſities*. You have ſaid the thing that is *not*. To ſupport your ſtory, you have recourſe to the follow-*irreſiſtible* argument: "You *ſold* the companions of "your victory, becauſe when the 16th regiment was "given to *you*, you was *ſilent*. The concluſion is "inevitable." I believe that ſuch *deep* and *acute reaſoning* could only come from ſuch an extraordinary writer as *Junius*. But unfortunately for you, the *premiſes* as well as the *concluſion* are abſolutely *falſe*. Many applications have been made to the miniſtry on the ſubject of the Manilla ranſom *ſince* the time of my being colonel of that regiment. As I have for ſome years quitted London, I was obliged to have recourſe to the honourable Colonel Monſon and Sir Samuel Corniſh to *negotiate* for me; in the laſt autumn, I perſonally delivered a memorial to the Earl of Shelburn at his ſeat in Wiltſhire. As you have told us of your importance, that you are a perſon of *rank* and *fortune*, and above a *common* bribe, you may in all probability be not *unknown* to his Lordſhip, who can ſatisfy you of the truth of what I ſay. But I ſhall now take the liberty, Sir, to ſeize your battery, and turn it againſt yourſelf. If your puerile and tinſel logic could carry the leaſt weight or conviction with it, how muſt you ſtand affected by the *inevitable concluſion*, as you are pleaſed to term it? According to *Junius*, *ſilence* is *guilt*. In many of the public papers, you have been called in the moſt direct and offenſive terms a *liar*, and a *coward*. When did you reply to theſe foul accuſations? You have been quite *ſilent*; quite chop-fallen: therefore, *becauſe* you was *ſilent*, the nation has a right to pronounce you to be both a liar and a coward from your own argument. But, Sir, I will give you fair play; I will afford you an opportunity to wipe off the firſt appellation, by deſiring the proofs of your charge againſt

againſt me. Produce them! To wipe off the laſt, produce *yourſelf*. People cannot bear any longer your *Lion's ſkin*, and the deſpicable *impoſture* of the *old Roman name* which you have *affected*. For the future aſſume the name of ſome *modern* * bravo and dark aſſaſſin: let your appellation have ſome affinity to your practice. But if I muſt *periſh*, *Junius*, let me *periſh* in the face of day; be for *once* a generous and open enemy. I allow that Gothic *appeals* to cold iron are no better proof of a man's honeſty and veracity, than hot iron and burning plough-ſhares are of *female chaſtity:* but a ſoldier's honour is as delicate as a woman's; it muſt not be ſuſpected; you have dared to throw more than a ſuſpicion upon mine: you cannot but know the conſequences, which even the meekneſs of Chriſtianity would pardon me for, after the injury you have done me.

WILLIAM DRAPER.

LETTER XXV.

Hæret lateri lethalis arundo.

TO SIR WILLIAM DRAPER, K. B.

SIR, SEPT. 25, 1769.

AFTER ſo long an interval, I did not expect to ſee the debate revived between us. My anſwer to your laſt letter ſhall be ſhort; for I write to you with reluctance, and I hope we ſhall now conclude our correſpondence for ever.

Had you been originally and without provocation attacked by an anonymous writer, you would have ſome right to demand his name. But in this cauſe you

* Was *Brutus* an *ancient* bravo and dark aſſaſſin? or does Sir W. D. think it criminal to ſtab a tyrant to the heart?

you are a volunteer. You engaged in it with the unpremeditated gallantry of a ſoldier. You were content to ſet your name in oppoſition to a man who would probably continue in concealment. You underſtood the terms upon which we were to correſpond, and gave at leaſt a tacit aſſent to them. After voluntarily attacking me under the character of Junius, what poſſible right have you to know me under any other? Will you forgive me if I inſinuate to you, that you foreſaw ſome honour in the apparent ſpirit of coming forward in perſon, and that you were not quite indifferent to the diſplay of your literary qualifications?

You cannot but know, that the republication of my letters was no more than a catchpenny contrivance of a printer, in which it was impoſſible I ſhould be concerned, and for which I am no way anſwerable. At the ſame time I wiſh you to underſtand, that if I do not take the trouble of reprinting theſe papers, it is not from any fear of giving offence to Sir William Draper.

Your remarks upon a ſignature adopted merely for diſtinction, are unworthy of notice: but when you tell me I have ſubmitted to be called a liar and a coward, I muſt aſk you in my turn, Whether you think ſeriouſly it any way incumbent upon me to take notice of the ſilly invectives of every ſimpleton who writes in a newſpaper; and what opinion you would have conceived of my diſcretion, if I had ſuffered myſelf to be the dupe of ſo ſhallow an artifice?

Your appeal to the ſword, though conſiſtent enough with your late profeſſion, will neither prove your innocence, nor clear you from ſupicion.—Your complaints with regard to the Manilla ranſom were for a conſiderable time a diſtreſs to government. You were appointed (greatly out of your turn) to the command

command of a regiment, and *during that adminiſtration* we heard no more of Sir William Draper. The facts of which I ſpeak may indeed be variouſly accounted for, but they are too notorious to be denied: and I think you might have learnt at the univerſity, that a falſe concluſion is an error in argument, not a breach of veracity. Your ſolicitations, I doubt not, were renewed under *another* adminiſtration. Admitting the fact, I fear an indifferent perſon would only infer from it, that experience had made you acquainted with the benefits of complaining. Remember, Sir, that you have yourſelf confeſſed, that, *conſidering the critical ſituation of this country, the miniſtry are in the right to temporiſe with Spain.* This confeſſion reduces you to an unfortunate dilemma. By renewing your ſolicitations, you muſt either mean to force your country into a war at a moſt unſeaſonable juncture; or, having no view or expectation of that kind, that you look for nothing but a private compenſation to yourſelf.

As to me, it is by no means neceſſary that I ſhould be expoſed to the reſentment of the worſt and the moſt powerful men in this country, tho' I may be indifferent about your's. Though *you* would fight, there are others who would aſſaſſinate.

But after all, Sir, where is the injury? You aſſure me, that my logic is puerile and tinſel; that it carries not the leaſt weight or conviction; that my premiſes are falſe, and my concluſions abſurd. If this be a juſt deſcription of me, how is it poſſible for ſuch a writer to diſturb your peace of mind, or to injure a character ſo well eſtabliſhed as yours? Take care, Sir William, how you indulge this unruly temper, leſt the world ſhould ſuſpect that conſcience has ſome ſhare in your reſentments. You have more to fear from the treachery of your own paſſions, than from any malevolence of mine. I believe,

I believe, Sir, you will never know me. A conſiderable time muſt certainly elapſe before we are perſonally acquainted. You need not, however, regret the delay, or ſuffer an apprehenſion that any length of time can reſtore you to the Chriſtian meekneſs of your temper, and diſappoint your preſent indignation. If I underſtand your character, there is in your own breaſt a repoſitory, in which your reſentments may be ſafely laid up for future occaſions, and preſerved without the hazard of diminution. The *Odia in longum jaciens, quæ reconderet, auctaque promeret*, I thought had only belonged to the worſt character of antiquity. The text is in Tacitus;—you know beſt where to look for the commentary.

JUNIUS.

LETTER XXVI.

A WORD AT PARTING TO JUNIUS.

*Sir, Oct. 7, 1769.

AS you have not favoured me with either of the *explanations* demanded of you, I can have nothing more to ſay to you upon my *own* account.—

* *Meaſures and not men* is the common cant of affected moderation;—a baſe, counterfeit language, fabricated by knaves, and made current among fools. Such gentle cenſure is not fitted to the preſent degenerate ſtate of ſociety. What does it avail to expoſe the abſurd contrivance or pernicious tendency of meaſures, if the man who adviſes or executes, ſhall be ſuffered not only to eſcape with impunity, but even to preſerve his power, and inſult us with the favour of his Sovereign! I would recommend to the reader the whole of Mr. Pope's letter to Doctor Arbuthnot, dated July 26, 1734, from which the following is an extract:—"To reform and "not to chaſtiſe, I am afraid is impoſſible, and that the beſt pre-"cepts, as well as the beſt laws, would prove of ſmall uſe, if "there were no examples to enforce them. To attack vices in

Your mercy to me, or tenderneſs for yourſelf, has been very great. The public will judge of your *motives*. If your exceſs of modeſty forbids you to produce either the proofs, or yourſelf, I will excuſe it. Take courage; I have not the temper of Tiberius, any more than the rank or power. You, indeed, are a tyrant of another ſort; and upon your political bed of torture can excruciate any ſubject, from a firſt miniſter down to ſuch a grub or butterfly as myſelf; like another deteſted tyrant of antiquity, can make the wretched ſufferer fit the bed, if the bed will not fit the ſufferer, by disjointing or tearing the trembling limbs until they are ſtretched to its extremity. But courage, conſtancy, and patience, under torments, have ſometimes cauſed the moſt hardened monſters to relent, and forgive the object of their cruelty. You, Sir, are determined to try all that human nature can endure, until ſhe expires: elſe, was it poſſible that you could be the author of that moſt inhuman letter to the Duke of Bedford, I have read with aſtoniſhment and horror? Where, Sir, where were the feelings of your own heart, when you could upbraid a moſt affectionate father with the loſs of his only and moſt amiable ſon? Read over again thoſe cruel lines of yours, and let them wring your very ſoul. Cannot political queſtions be diſcuſſed without deſcending to the moſt odious perſonalities? Muſt you go wantonly out of your way to torment declining age, becauſe the Duke of Bedford may have quarrelled with thoſe whoſe cauſe and politics you eſpouſe? For ſhame! for ſhame!

" the abſtract, without touching perſons, may be ſafe fighting
" indeed, but it is fighting with ſhadows. My greateſt comfort
" and encouragement to proceed has been to ſee, that thoſe who
" have no ſhame, and not fear of any thing elſe, have appeared
" touched by my ſatires."

ſhame! As you have *ſpoke daggers* to him, you may juſtly dread the *uſe* of them againſt your own breaſt, did a want of courage, or of noble ſentiments, ſtimulate him to ſuch mean revenge. He is above it; he is brave. Do you fancy that your own baſe arts have infected our whole iſland? But your own reflections, your own conſcience, muſt and will, if you have any ſpark of humanity remaining, give him moſt ample vengeance. Not all the power of words with which you are ſo graced, will ever waſh out, or even palliate, this foul blot in your character. I have not time at preſent to diſſect your letter ſo minutely as I could wiſh; but I will be bold enough to ſay, that it is (as to reaſon and argument) the moſt extraordinary piece of *florid impotence* that was ever impoſed upon the eyes and ears of the too credulous and deluded mob. It accuſes the Duke of Bedford of high treaſon. Upon what foundation? You tell us, that "the Duke's *pecuniary character* makes it more than "*probable*, that he could not have made ſuch ſacri-"fices at the peace, without *ſome private compenſa-"tions*: that his conduct carried with it an interior "evidence, beyond all the legal proofs of a court of "juſtice."

My academical education, Sir, bids me tell you, that it is neceſſary to eſtabliſh the truth of your firſt propoſition, before you preſume to draw inferences from it. Firſt prove the avarice, before you make the raſh, haſty, and moſt wicked concluſion. This father, *Junius*, whom you call avaricious, allowed that ſon eight thouſand pounds a year. Upon his moſt unfortunate death, which your uſual good-nature took care to remind him of, he greatly increaſed the jointure of the afflicted lady, his widow. Is this avarice? Is this doing good by *ſtealth?* It is upon record.

If exact order, method, and true economy, as a maſter of a family; if ſplendour and juſt magnificence, without wild waſte, and thoughtleſs extravagance, may conſtitute the character of an avaricious man, the Duke is guilty. But for a moment let us admit that an ambaſſador may love money too much; what proof do you give that he has taken any to betray his country? Is it hearſay, or the evidence of letters, or ocular; or the evidence of thoſe concerned in this black affair? Produce your authorities to the public. It is an impudent kind of ſorcery, to attempt to blind us with the ſmoke, without convincing us that the fire has exiſted. You firſt brand him with a vice that he is free from, to render him odious and ſuſpected. Suſpicion is the foul weapon with which you make all your chief attacks; with that you ſtab. But ſhall one of the firſt ſubjects of the realm be ruined in his fame? ſhall even his life be in conſtant danger, from a charge built upon ſuch ſandy foundations? muſt his houſe be beſieged by lawleſs ruffians, his journey impeded, and even the aſylum of an altar be inſecure from aſſertions ſo baſe and falſe? Potent as he is, the Duke is amenable to juſtice; if guilty, puniſhable. The parliament is the high and ſolemn tribunal for matters of ſuch great moment. To that be they ſubmitted. But I hope alſo that ſome notice will be taken of, and ſome puniſhment inflicted upon, falſe accuſers; eſpecially upon ſuch, *Junius*, who are *wilfully falſe*. In any truth I will agree even with *Junius*; will agree with him that it is highly unbecoming the dignity of peers to tamper with boroughs. Ariſtocracy is as fatal as democracy. Our conſtitution admits of neither. It loves a King, Lords, and Commons, really choſen by the unbought ſuffrages of a free people. But if corruption only ſhifts hands; if the wealthy commoner gives

gives the bribe, inſtead of the potent peer, is the ſtate better ſerved by this exchange? Is the real emancipation of the borough effected, becauſe new parchment bonds may poſſibly ſuperſede the old? To ſay the truth, wherever ſuch practices prevail, they are equally criminal to and deſtructive of our freedom.

The reſt of your declamation is ſcarce worth conſidering, excepting for the elegance of the language. Like Hamlet in the play, you produce two pictures; you tell us, that one is not like the Duke of Bedford; then you bring a moſt hideous caricature, and tell us of the reſemblance; but *multum abludit imago.*

All your long, tedious accounts of the miniſterial quarrels, and the intrigues of the cabinet, are reducible to a few ſhort lines; and to convince you, Sir, that I do not mean to flatter any miniſter, either paſt or preſent, theſe are my thoughts: They ſeem to have acted like lovers, or children; have * pouted, quarrelled, cried, kiſſed, and been friends again, as the objects of deſire, the miniſterial rattles, have been put into their hands. But ſuch proceedings are very unworthy of the gravity and dignity of a great nation. We do not want men of abilities; but we have wanted ſteadineſs; we want unanimity: your letters, *Junius*, will not contribute thereto. You may one day expire by a flame of your own kindling. But it is my humble opinion, that lenity and moderation, pardon and oblivion, will diſappoint the efforts of all the ſeditious in the land, and extinguiſh their wide-ſpreading fires. I have lived with this ſentiment; with this I ſhall die.

WILLIAM DRAPER.

* Sir William gives us a pleaſant account of men, who, in *his* opinion at leaſt, are the beſt qualified to govern an empire.

LETTER XXVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCTOBER 13, 1769.

IF Sir William Draper's bed be a bed of torture, he has made it for himſelf. I ſhall never interrupt his repoſe. Having changed the ſubject, there are parts of his letter not undeſerving of a reply. Leaving his private character and conduct out of the queſtion, I ſhall conſider him merely in the capacity of an author, whoſe labours certainly do no diſcredit to a newſpaper.

We ſay, in common diſcourſe, that a man may be his own enemy; and the frequency of the fact makes the expreſſion intelligible. But that a man ſhould be the bittereſt enemy of his friends, implies a contradiction of a peculiar nature. There is ſomething in it, which cannot be conceived without a confuſion of ideas, nor expreſſed without a ſoleciſm in language. Sir William Draper is ſtill that fatal friend Lord Granby found him. Yet I am ready to do juſtice to his generoſity; if indeed it be not ſomething more than generous, to be the voluntary advocate of men who think themſelves injured by his aſſiſtance, and to conſider nothing in the cauſe he adopts but the difficulty of defending it. I thought, however, he had been better read in the hiſtory of the human heart, than to compare or confound the tortures of the body with thoſe of the mind. He ought to have known, though perhaps it might not be his intereſt to confeſs, that no outward tyranny can reach the mind. If conſcience plays the tyrant, it would be greatly for the benefit of the world that ſhe were more arbitrary, and far leſs placable, than ſome men find her.

But

But it ſeems I have outraged the feelings of a father's heart.—Am I indeed ſo injudicious? Does Sir William Draper think I would have hazarded my credit with a generous nation, by ſo groſs a violation of the laws of humanity? Does he think I am ſo little acquainted with the firſt and nobleſt characteriſtic of Engliſhmen? Or how will he reconcile ſuch folly with an underſtanding ſo full of artifice as mine? Had *he* been a father, he would have been but little offended with the ſeverity of the reproach, for his mind would have been filled with the juſtice of it. He would have ſeen that I did not inſult the feelings of a father, but the father who felt nothing. He would have truſted to the evidence of his own paternal heart; and boldly denied the poſſibility of the fact, inſtead of defending it. Againſt whom then will his honeſt indignation be directed, when I aſſure him, that this whole town beheld the Duke of Bedford's conduct, upon the death of his ſon, with horror and aſtoniſhment? Sir William Draper does himſelf but little honour in oppoſing the general ſenſe of his country. The people are ſeldom wrong in their opinions,—in their ſentiments they are never miſtaken. There may be a vanity perhaps in a ſingular way of thinking;—but when a man profeſſes a want of thoſe feelings which do honour to the multitude, he hazards ſomething infinitely more important than the character of his underſtanding. After all, as Sir William may poſſibly be in earneſt in his anxiety for the Duke of Bedford, I ſhould be glad to relieve him from it. He may reſt aſſured this worthy nobleman laughs, with equal indifference, at *my* reproaches, and Sir William's diſtreſs about him. But here let it ſtop. Even the Duke of Bedford, inſenſible as he is, will conſult the tranquility of his life, in not provoking the moderation of my temper.

temper. If, from the profoundeſt contempt, I ſhould ever riſe into anger, he ſhould ſoon find, that all I have already ſaid of him was lenity and compaſſion.

Out of a long catalogue, Sir William Draper has confined himſelf to the refutation of two charges only. The reſt he had not time to diſcuſs; and indeed it would have been a laborious undertaking. To draw up a defence of ſuch a ſeries of enormities, would have required a life at leaſt as long as that which has been uniformly employed in the practice of them. The public opinion of the Duke of Bedford's extreme economy is, it ſeems, entirely without foundation. Though not very prodigal abroad, in his own family at leaſt he is regular and magnificent. He pays his debts, abhors a beggar, and makes a handſome proviſion for his ſon. His charity has improved upon the proverb, and ended where it began. Admitting the whole force of this ſingle inſtance of his domeſtic generoſity (wonderful indeed, conſidering the narrowneſs of his fortune, and the little merit of his only ſon) the public may ſtill perhaps be diſſatisfied, and demand ſome other leſs equivocal proofs of his munificence. Sir William Draper ſhould have entered boldly into the detail—of indigence relieved—of arts encouraged—of ſcience patronized, men of learning protected, and works of genius rewarded;—in ſhort, had there been a ſingle inſtance, beſides Mr. Rigby,* of bluſhing merit brought forward by the Duke for the ſervice of the public, it ſhould not have been omitted.

I wiſh it were poſſible to eſtabliſh my inference with the ſame certainty, on which I believe the principle is founded. My concluſion, however, was not drawn from the principle alone. I am not ſo unjuſt as

* This gentleman is ſuppoſed to have the ſame idea of *bluſhing* that a man blind from his birth has of ſcarlet or ſky-blue.

as to reaſon from one crime to another; though I think, that, of all the vices, avarice is moſt apt to taint and corrupt the heart. I combined the known temper of the man with the extravagant conceſſions made by the ambaſſador; and though I doubt not ſufficient care was taken to leave no document of any treaſonable negociation, I ſtill maintain that the conduct * of this miniſter carries with it an internal and convincing evidence againſt him. Sir William Draper ſeems not to know the value or force of ſuch a proof. He will not permit us to judge of the motives of men, by the manifeſt tendency of their actions, nor by the notorious character of their minds. He calls for papers and witneſſes, with a triumphant ſecurity; as if nothing could be true, but what could be proved in a court of juſtice. Yet a religious man might have remembered, upon what foundation ſome truths, moſt intereſting to mankind, have been received and eſtabliſhed. If it were not for the internal evidence, which the pureſt of religions carries with it, what would have become of his once well-quoted decalogue, and of the meekneſs of his Chriſtianity?

The generous warmth of his reſentment makes him confound the order of events. He forgets that the inſults and diſtreſſes which the Duke of Bedford has ſuffered, and which Sir William has lamented with many delicate touches of the true pathetic, were only recorded in my letter to his Grace, not occaſioned by it. It was a ſimple, candid narrative of facts; though, for aught I know, it may carry with it ſomething prophetic. His Grace undoubtedly has

* If Sir W. D. will take the trouble of looking into Torcey's Memoirs, he will ſee with what little ceremony a bribe may be offered to a Duke, and with what little ceremony it was *only not accepted*.

has received ſeveral ominous hints; and I think, in certain circumſtances, a wiſe man would do well to prepare himſelf for the event.

But I have a charge of a heavier nature againſt Sir William Draper. He tells us that the Duke of Bedford is amenable to juſtice; that parliament is a high and ſolemn tribunal; and that, if guilty, he may be puniſhed by due courſe of law: and all this he ſays with as much gravity as if he believed one word of the matter. I hope, indeed, the day of impeachments will arrive, before this nobleman eſcapes out of life;—but to refer us to that mode of proceeding now, with ſuch a miniſtry, and ſuch a houſe of commons as the preſent, what is it, but an indecent mockery of the common ſenſe of the nation? I think he might have contented himſelf with defending the greateſt enemy, without inſulting the diſtreſſes, of his country.

His concluding declaration of his opinion, with reſpect to the preſent condition of affairs, is too looſe and undetermined to be of any ſervice to the public. How ſtrange is it that this gentleman ſhould dedicate ſo much time and argument to the defence of worthleſs or indifferent characters, while he gives but ſeven ſolitary lines to the only ſubject which can deſerve his attention, or do credit to his abilities.

JUNIUS.

LETTER XXVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCT. 20, 1769.

I Very ſincerely applaud the ſpirit with which a lady has paid the debt of gratitude to her benefactor. Though I think ſhe has miſtaken the point, ſhe ſhows a virtue

a virtue which makes her reſpectable. The queſtion turned upon the perſonal generoſity or avarice of a man, whoſe private fortune is immenſe. The proofs of his munificence muſt be drawn from the uſes to which he has applied that fortune. I was not ſpeaking of a Lord Lieutenant of Ireland, but of a rich Engliſh Duke, whoſe wealth gave him the means of doing as much good in this country, as he derived from his power in another. I am far from wiſhing to leſſen the merit of this ſingle benevolent action; perhaps it is the more conſpicuous from ſtanding alone. All I mean to ſay is, that it proves nothing in the preſent argument.

JUNIUS.

LETTER XXIX.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCT. 19, 1769.

I Am well aſſured that *Junius* will never deſcend to a diſpute with ſuch a writer as *Modeſtus* (whoſe letter appeared in the Gazetteer of Monday) eſpecially as the diſpute muſt be chiefly about words. Notwithſtanding the partiality of the public, it does not appear that *Junius* values himſelf upon any ſuperior ſkill in compoſition; and I hope his time will always be more uſefully employed than in the trifling refinements of verbal criticiſm. *Modeſtus*, however, ſhall have no reaſon to triumph in the ſilence and moderation of *Junius*. If he knew as much of the propriety of language, as I believe he does of the facts in queſtion, he would have been as cautious of attacking *Junius* upon his compoſition, as he ſeems to be of entering into the ſubject of it; yet after all, the

the laſt is the only article of any importance to the public.

I do not wonder at the unremitted rancour with which the Duke of Bedford and his adherents invariably ſpeak of a nation, which we well know has been too much injured to be eaſily forgiven. But why muſt *Junius* be an Iriſhman? *The abſurdity of his writings betrays him.* Waving all conſideration of the inſult offered by *Modeſtus* to the declared judgment of the people (they may well bear this among the reſt) let us follow the ſeveral inſtances, and try whether the charge be fairly ſupported.

Firſt then—The leaving a man to enjoy ſuch repoſe as he can find upon a bed of torture, is ſevere indeed; perhaps too much ſo, when applied to ſuch a trifler as Sir William Draper; but there is nothing abſurd either in the idea or expreſſion. *Modeſtus* cannot diſtinguiſh between a ſarcaſm and a contradiction.

2 I affirm with *Junius*, that it is the *frequency* of the fact, which alone can make us comprehend how a man can be his own enemy. We ſhould never arrive at the complex idea conveyed by thoſe words, if we had only ſeen one or two inſtances of a man acting to his own prejudice. Offer the propoſition to a child, or a man unuſed to compound his ideas, and you will ſoon ſee how little either of them underſtand you. It is not a ſimple idea ariſing from a ſingle fact; but a very complex idea ariſing from many facts well obſerved, and accurately compared.

3. *Modeſtus* could not, without great affectation, miſtake the meaning of *Junius*, when he ſpeaks of a man who is the bittereſt enemy of his friends. He could not but know, that *Junius* ſpoke, not of a falſe or hollow friendſhip, but of a real intention to ſerve, and that intention producing the worſt effects of enmity.

mity. Whether the deſcription be ſtrictly applicable to Sir William Draper, is another queſtion. *Junius* does not ſay that it is more *criminal* for a man to be the enemy of his friends than his own, though he might have affirmed it with truth. In a moral light, a man may certainly take greater liberties with himſelf than with another. To ſacrifice ourſelves merely, is a weakneſs we may indulge in, if we think proper; for we do it at our own hazard and expence; but, under the pretence of friendſhip, to ſport with the reputation, or ſacrifice the honour, of another, is ſomething worſe than weakneſs; and if, in favour of the fooliſh intention, we do not call it a crime, we muſt allow at leaſt that it ariſes from an overweening, buſy, meddling impudence. *Junius* ſays only, and he ſays truly, that it is more extraordinary, that it involves a greater contradiction than the other; and is it not a maxim received in life, that in general we can determine more wiſely for others than for ourſelves? The reaſon of it is ſo clear in argument, that it hardly wants the confirmation of experience. Sir William Draper, I confeſs, is an exception to the general rule, though not much to his credit.

4. If this gentleman will go back to his Ethics, he may perhaps diſcover the truth of what *Junius* ſays, *that no outward tyranny can reach the mind.* The tortures of the body may be introduced by way of ornament or illuſtration to repreſent thoſe of the mind, but ſtrictly there is no ſimilitude between them. They are totally different both in their cauſe and operation. The wretch who ſuffers upon the rack, is merely paſſive; but when the mind is tortured, it is not at the command of any outward power. It is the ſenſe of guilt which conſtitutes the puniſhment, and creates that torture with which the guilty mind acts upon itſelf.

5. He miſquotes what *Junius* ſays of conſcience; and makes the ſentence ridiculous, by making it his own.

So much for compoſition. Now for fact. *Junius*, it ſeems, has miſtaken the Duke of Bedford. His Grace had all the proper feelings of a father, though he took care to ſuppreſs the appearance of them. Yet it was an occaſion, one would think, on which he need not have been aſhamed of his grief; on which leſs fortitude would have done him more honour. I can conceive indeed a benevolent motive for his endeavouring to aſſume an air of tranquility in his own family; and I wiſh I could diſcover any thing, in the reſt of his character, to juſtify my aſſigning that motive to his behaviour. But is there no medium? Was it neceſſary to appear abroad, to ballot at the India-houſe, and make a public diſplay, though it were only of an apparent inſenſibility? I know we are treading on tender ground, and *Junius*, I am convinced, does not wiſh to argue this queſtion farther. Let the friends of the Duke of Bedford obſerve that humble ſilence which becomes their ſituation. They ſhould recollect that there are ſtill ſome facts in ſtore, at which human nature would ſhudder. I ſhall be underſtood by thoſe whom it concerns, when I ſay that theſe facts go farther than to the Duke. *

It

* Within a fortnight after Lord Taviſtock's death, the venerable Gertrude had a route at Bedford-houſe. The good Duke (who had only ſixty thouſand pounds a year) ordered an inventory to be taken of his ſon's wearing apparel, down to his ſlippers, ſold them all, and put the money in his pocket. The amiable Marchioneſs, ſhocked at ſuch brutal, unfeeling avarice, gave the value of the clothes to the Marquis's ſervant, out of her own purſe. That incomparable woman did not long ſurvive her huſband. When ſhe died, the Ducheſs of Bedford treated her as the Duke had treated his only ſon. She ordered every gown and trinket to be ſold, and pocketed

It is not inconſiſtent to ſuppoſe that a man may be quite indifferent about one part of a charge, yet ſeverely ſtung with another; and though he feels no remorſe, that he may wiſh to be revenged. The charge of inſenſibility carries a reproach indeed, but no danger with it. *Junius* had ſaid, *there are others who would aſſaſſinate*. *Modeſtus*, knowing his man, will not ſuffer the inſinuation to be divided, but fixes it all upon the Duke of Bedford.

Without determining upon what evidence *Junius* would *chooſe to be condemned*, I will venture to maintain, in oppoſition to *Modeſtus*, or to Mr. Rigby (who is certainly not *Modeſtus*) or any other of the Bloomſbury gang, that the evidence againſt the Duke of Bedford is as ſtrong as any preſumptive evidence can be. It depends upon a combination of facts and reaſoning, which require no confirmation from the anecdote of the Duke of Marlborough. This anecdote was referred to merely to ſhow how ready a great man may be to receive a great bribe; and if *Modeſtus* could read the original, he would ſee that the expreſſion, *only not accepted*, was probably the only one in our language that exactly fitted the caſe: the bribe, offered to the Duke of Marlborough, was not refuſed.

I cannot conclude without taking notice of this honeſt gentleman's learning, and wiſhing he had given us a little more of it. When he accidentally found himſelf ſo near ſpeaking truth, it was rather unfair of him to leave out the *non potuiſſe refelli*. As it ſtands, the *pudet hæc opprobria* may be divided equally between Mr. Rigby and the Duke of Bedford. Mr.

pocketed the money. Theſe are the monſters whom Sir William Draper comes forward to defend. May God protect me from doing any thing that may require ſuch defence, or to deſerve ſuch friendſhip!

Rigby, I take for granted, will aſſert his natural right to the modeſty of the quotation, and leave all the opprobrium to his Grace.

PHILO JUNIUS.

LETTER XXX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCT. 17, 1769.

IT is not wonderful that the great cauſe, in which this country is engaged, ſhould have rouſed and engroſſed the whole attention of the people. I rather admire the generous ſpirit with which they feel and aſſert their intereſt in this important queſtion, than blame them for their indifference about any other. When the conſtitution is openly invaded, when the firſt original right of the people, from which all laws derive their authority, is directly attacked, inferior grievances naturally loſe their force, and are ſuffered to paſs by without puniſhment or obſervation. The preſent miniſtry are as ſingularly marked by their fortune as by their crimes. Inſtead of atoning for their former conduct by any wiſe or popular meaſure, they have found, in the enormity of one fact, a cover and defence for a ſeries of meaſures, which muſt have been fatal to any other adminiſtration. I fear we are too remiſs in obſerving the whole of their proceedings. Struck with the principal figure, we do not ſufficiently mark in what manner the canvaſs is filled up. Yet ſurely it is not a leſs crime, nor leſs fatal in its conſequences, to encourage a flagrant breach of the law by a military force, than to make uſe of the forms of parliament to deſtroy the conſtitution. The miniſtry ſeem determined to give us a choice of difficulties, and, if poſſible,

poſſible, to perplex us with the multitude of their offences. The expedient is worthy of the Duke of Grafton. But though he has preſerved a gradation and variety in his meaſure, we ſhould remember that the principle is uniform. Dictated by the ſame ſpirit, they deſerve the ſame attention. The following fact, though of the moſt alarming nature, has not yet been clearly ſtated to the public; nor have the conſequences of it been ſufficiently underſtood. Had I taken it up at an earlier period, I ſhould have been accuſed of an uncandid, malignant precipitation, as if I watched for an unfair advantage againſt the miniſtry, and would not allow them a reaſonable time to do their duty. They now ſtand without excuſe. Inſtead of employing the leiſure they have had in a ſtrict examination of the offence, and puniſhing the offenders, they ſeem to have conſidered *that* indulgence as a ſecurity to them; that, with a little time and management, the whole affair may be buried in ſilence, and utterly forgotten.

A major-general * of the army is arreſted by the ſheriff's officers for a conſiderable debt. He perſuades them to conduct him to the Tilt-yard in St. James's Park, under ſome pretence of buſineſs, which it imported him to ſettle before he was confined. He applies to a ſerjeant, not immediately on duty, to aſſiſt with ſome of his companions in favouring his eſcape He attempts it. A buſtle enſues. The bailiffs claim their priſoner. An officer of the guards, † not then on duty, takes part in the affair, applies to the lieutenant § commanding the Tilt-yard guard, and urges him to turn out his guard to relieve a general officer. The lieutenant declines interfering in perſon, but ſtands at a diſtance, and ſuffers the buſineſs to be done. The officer takes upon himſelf to order out

* Major General Ganſel. † Lieut. Dodd. § Lieut. [illegible]

the guard. In a moment they are in arms, quit their guard, march, reſcue the general, and drive away the ſheriff's officers; who in vain repreſent their right to the priſoner, and the nature of the arreſt. The ſoldiers firſt conduct the general into the guard-room, then eſcort him to a place of ſafety, with bayonets fixed, and in all the forms of military triumph. I will not enlarge upon the various circumſtances which attended this atrocious proceeding. The perſonal injury received by the officers of the law in the execution of their duty, may perhaps be atoned for by ſome private compenſation. I conſider nothing but the wound which has been given to the law itſelf, to which no remedy has been applied, no ſatisfaction made. Neither is it my deſign to dwell upon the miſconduct of the parties concerned, any farther than is neceſſary to ſhow the behaviour of the miniſtry in its true light. I would make every compaſſionate allowance for the infatuation of the priſoner, the falſe and criminal diſcretion of one officer, and the madneſs of another. I would leave the ignorant ſoldiers entirely out of the queſtion. They are certainly the leaſt guilty, though they are the only perſons who have yet ſuffered, even in the appearance of puniſhment. * The fact, itſelf, however atrocious, is not the principal point to be conſidered. It might have happened under a more regular government, and with guards better diſciplined than ours. The main queſtion is, in what manner have the miniſtry acted on this extraordinary occaſion? A general officer calls upon the king's own guard, then actually on duty, to reſcue him from the laws of his country; yet at this moment he is in a ſituation no worſe, than if he had not committed an offence, equally enormous in a civil and military view. A lieutenant upon duty deſignedly quits his guard,

* A few of them were confined.

guard, and ſuffers it to be drawn out by another officer, for a purpoſe which he well knew (as we may collect from an appearance of caution, which only makes his behaviour the more criminal) to be in the higheſt degree illegal. Has this gentleman been called to a court-martial to anſwer for his conduct? No. Has it been cenſured? No. Has it been in any ſhape inquired into? No. Another lieutenant, not upon duty, nor even in his regimentals, is daring enough to order out the king's guard, over which he had properly no command, and engages them in a violation of the laws of his country, perhaps the moſt ſingular and extravagant that ever was attempted. What puniſhment has *he* ſuffered? Literally none. Suppoſing he ſhould be proſecuted at common law for the reſcue, will that circumſtance, from which the miniſtry can derive no merit, excuſe or juſtify their ſuffering ſo flagrant a breach of military diſcipline to paſs by unpuniſhed and unnoticed? Are they aware of the outrage offered to their ſovereign, when his own proper guard is ordered out to ſtop by main force, the execution of his laws? What are we to conclude from ſo ſcandalous a neglect of their duty, but that they have other views which can only be anſwered by ſecuring the attachment of the guards? The miniſter would hardly be ſo cautious of offending them, if he did not mean, in due time, to call for their aſſiſtance.

With reſpect to the parties themſelves, let it be obſerved, that theſe gentlemen are neither young officers, nor very young men. Had they belonged to the unfledged race of enſigns, who infeſt our ſtreets, and diſhonour our public places, it might perhaps be ſufficient to ſend them back to that diſcipline, from which their parents, judging lightly from the maturity of their vices, had removed them too ſoon.

ſoon. In this caſe, I am ſorry to ſee, not ſo much the folly of youth, as the ſpirit of the corps, and the connivance of government. I do not queſtion that there are many brave and worthy officers in the regiment of guards. But conſidering them as a corps, I fear it will be found that they are neither good ſoldiers, nor good ſubjects. Far be it from me to inſinuate the moſt diſtant reflection upon the army. On the contrary, I honour and eſteem the profeſſion; and if theſe gentlemen were better ſoldiers, I am ſure they would be better ſubjects. It is not that there is any internal vice or defect in the profeſſion itſelf as regulated in this country, but that it is the ſpirit of this particular corps to deſpiſe their profeſſion; and that, while they vainly aſſume the lead of the army, they make it matter of impertinent compariſon, and triumph over the braveſt troops in the world (I mean our marching regiments) that *they* indeed ſtand upon higher ground, and are privileged to neglect the laborious forms of military diſcipline and duty. Without dwelling longer upon a moſt invidious ſubject, I ſhall leave it to military men, who have ſeen a ſervice more active than the parade, to determine whether or no I ſpeak truth.

How far this dangerous ſpirit has been encouraged by government, and to what pernicious purpoſes it may be applied hereafter, well deſerves our moſt ſerious conſideration. I know, indeed, that when this affair happened, an affectation of alarm ran through the miniſtry. Something muſt be done to ſave appearances. The caſe was too flagrant to be paſſed by abſolutely without notice. But how have they acted? Inſtead of ordering the officers concerned (and who, ſtrictly ſpeaking, are alone guilty) to be put under arreſt, and brought to trial, they would have it underſtood, that they did their duty completely,

pletely, in confining a ſerjeant and four private ſoldiers, until they ſhould be demanded by the civil power; ſo that while the officers, who ordered or permitted the poor men who obeyed thoſe orders, who in a military view are no way reſponſible for what they did, and who for that reaſon have been diſcharged by the civil magiſtrates, are the only objects whom the miniſtry have thought proper to expoſe to puniſhment. They did not venture to bring even theſe men to a court-martial, becauſe they knew their evidence would be fatal to ſome perſons, whom they were determined to protect. Otherwiſe, I doubt not, the lives of theſe unhappy, friendleſs ſoldiers, would long ſince have been ſacrificed without ſcruple to the ſecurity of their guilty officers.

I have been accuſed of endeavouring to inflame the paſſions of the people. Let me now appeal to their underſtanding. If there be any tool of adminiſtration daring enough to deny theſe facts, or ſhameleſs enough to defend the conduct of the miniſtry, let him come forward. I care not under what title he appears. He ſhall find me ready to maintain the truth of my narrative, and the juſtice of my obſervations upon it, at the hazard of my utmoſt credit with the public.

Under the moſt arbitrary governments, the common adminiſtration of juſtice is ſuffered to take its courſe. The ſubject, though robbed of his ſhare in the legiſlature, is ſtill protected by the laws. The political freedom of the Engliſh conſtitution was once the pride and honour of an Engliſhman. The civil equality of the laws preſerved the property, and defended the ſafety, of the ſubject. Are theſe glorious privileges the birthright of the people; or are we only tenants at the will of the miniſtry?—But that I know there is a ſpirit of reſiſtance in the hearts

of

of my countrymen; that they value life, not by its conveniences, but by the independence and dignity of their condition, I ſhould, at this moment, appeal only to their diſcretion. I ſhould perſuade them to baniſh from their minds all memory of what we were; I ſhould tell them, this is not a time to remember that we were Engliſhmen; and give it as my laſt advice, to make ſome early agreement with the miniſter, that, ſince it has pleaſed him to rob us of thoſe political rights which once diſtinguiſhed the inhabitants of a country where honour was happineſs, he would leave us at leaſt the humble, obedient ſecurity of citizens, and graciouſly condeſcend to protect us in our ſubmiſſion. JUNIUS.

LETTER XXXI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, NOV. 14, 1769.

THE variety of remarks which have been made upon the laſt letter of *Junius*, and my own opinion of the writer, who, whatever may be his faults, is certainly not a weak man, have induced me to examine, with ſome attention, the ſubject of that letter. I could not perſuade myſelf, that, while he had plenty of important materials, he would have taken up a light or trifling occaſion to attack the miniſtry; much leſs could I conceive that it was his intention to ruin the officers concerned in the reſcue of General Ganſel, or to injure the General himſelf. Theſe are little objects, and can no way contribute to the great purpoſes he ſeems to have in view by addreſſing himſelf to the public.—Without conſidering the ornamented ſtile he has adopted, I determined to look farther into the matter, before I decided

cided upon the merits of his letter. The firſt ſtep I took was to inquire into the truth of the facts; for if theſe were either falſe or miſrepreſented, the moſt artful exertion of his underſtanding, in reaſoning upon them, would only be a diſgrace to him.—Now, Sir, I have found every circumſtance ſtated by *Junius* to be literally true. General Ganſel perſuaded the bailiffs to conduct him to the parade, and certainly ſolicited a corporal and other ſoldiers to aſſiſt him in making his eſcape. Captain Dodd did certainly apply to Captain Garth for the aſſiſtance of his guard. Captain Garth declined appearing himſelf; but ſtood aloof, while the other took upon him to order out the King's guard, and by main force reſcued the General. It is alſo ſtrictly true, that the General was eſcorted by a file of muſqueteers to a place of ſecurity.—Theſe are facts, Mr. Woodfall, which I promiſe you no gentleman in the guards will deny. If all or any of them are falſe, why are they not contradicted by the parties themſelves? However ſecure againſt military cenſure, they have yet a character to loſe; and ſurely, if they are innocent, it is not beneath them to pay ſome attention to the opinion of the public.

The force of *Junius's* obſervations upon theſe facts cannot be better marked, than by ſtating and refuting the objections which have been made to them. One writer ſays, "Admitting the officers have offended, they are puniſhable at common law, and "will you have a Britiſh ſubject puniſhed twice for "the ſame offence?" I anſwer, that they have committed two offences, both very enormous, and violated two laws. The reſcue is one offence, the flagrant breach of diſcipline another; and hitherto it does not appear that they have been puniſhed, or even cenſured, for either. Another gentleman ſays much

much ſtreſs upon the calamity of the caſe; and inſtead of diſproving facts, appeals at once to the compaſſion of the public. This idea, as well as the inſinuation that *depriving the parties of their commiſſions would be an injury to their creditors*, can only refer to General Ganſel. The other officers are in no diſtreſs, therefore have no claim to compaſſion; nor does it appear, that their creditors, if they have any, are more likely to be ſatisfied by their continuing in the guards. But this ſort of plea will not hold in any ſhape. Compaſſion to an offender, who has groſsly violated the laws, is in effect a cruelty to the peaceable ſubject who has obſerved them; and, even admitting the force of any alleviating circumſtances, it is nevertheleſs true, that, in this inſtance, the royal compaſſion has interpoſed too ſoon. The legal and proper mercy of a King of England may remit the puniſhment, but ought not to ſtop the trial.

Beſides theſe particular objections, there has been a cry againſt *Junius* for his malice and injuſtice in attacking the miniſtry upon an event which they could neither hinder nor foreſee. This, I muſt affirm, is a falſe repreſentation of his argument. He lays no ſtreſs upon the event itſelf as a ground of accuſation againſt the miniſtry, but dwells entirely upon their ſubſequent conduct. He does not ſay that they are anſwerable for the offence, but for the ſcandalous neglect of their duty, in ſuffering an offence ſo flagrant to paſs by without notice or inquiry. Suppoſing them ever ſo regardleſs of what they owe to the public, and as indifferent about the opinion as they are about the intereſts of their country, what anſwer, as officers of the crown, will they give to *Junius*, when he aſks them, *Are they aware of the outrage offered to their Sovereign, when his own*

proper

proper guard is ordered out to ſtop, by main force, the execution of his laws. And when we ſee a miniſtry giving ſuch a ſtrange, unaccountable protection to the officers of the guards, is it unfair to ſuſpect, that they have ſome ſecret and unwarrantable motives for their conduct? If they feel themſelves injured by ſuch a ſuſpicion, why do they not immediately clear themſelves from it, by doing their duty? For the honour of the guards, I cannot help expreſſing another ſuſpicion, that, if the commanding officer has not received à ſecret injunction to the contrary, he would, in the ordinary courſe of his buſineſs, have applied for a court-martial to try the two ſubalterns; the one for quitting his guard; the other for taking upon him the command of the guard, and employing it in the manner he did. I do not mean to enter into or defend the ſeverity with which *Junius* treats the guards. On the contrary, I will ſuppoſe, for a moment, that they deſerve a very different character. If this be true, in what light will they conſider the conduct of two ſubalterns, but as a general reproach and diſgrace to the whole corps? And will they not wiſh to ſee them cenſured in a military way, if it were only for the credit and diſcipline of the regiment?

Upon the whole, Sir, the miniſtry ſeem to me to have taken a very improper advantage of the good-nature of the public, whoſe humanity, they found, conſidered nothing in this affair, but the diſtreſs of General Ganſel. They would perſuade us, that it was only a common reſcue by a few diſorderly ſoldiers, and not the formal, deliberate act of the king's guard, headed by an officer; and the public has fallen into the deception. I think, therefore, we are obliged to *Junius* for the care he has taken to inquire into the facts, and for the juſt commentary with which he

has given them to the world. For my own part, I am as unwilling as any man to load the unfortunate; but, really, Sir, the precedent, with reſpect to the guards, is of a moſt important nature, and alarming enough (conſidering the conſequences with which it may be attended) to deſerve a parliamentary inquiry: when the guards are daring enough, not only to violate their own diſcipline, but publicly, and with the moſt atrocious violence, to ſtop the execution of the laws, and when ſuch extraordinary offences paſs with impunity, believe me, Sir, the precedent ſtrikes deep.

PHILO JUNIUS.

LETTER XXXII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, NOV. 15, 1769.

I Admit the claim of a gentleman who publiſhes in the Gazetteer under the name of *Modeſtus*. He has ſome right to expect an anſwer from me; though, I think, not ſo much from the merit or importance of his objections, as from my own voluntary engagement. I had a reaſon for not taking notice of him ſooner, which, as he is a candid perſon, I believe he will think ſufficient. In my firſt letter, I took for granted, from the time which had elapſed, that there was no intention to cenſure, nor even to try, the perſons concerned in the reſcue of General Ganſel; but *Modeſtus* having ſince either affirmed, or ſtrongly inſinuated, that the offenders might ſtill be brought to a legal trial, any attempt to prejudge the cauſe, or to prejudice the minds of a jury or a court-martial, would be highly improper.

A man, more hoſtile to the miniſtry than I am, would not ſo often remind them of their duty. If

the

Duke of Grafton will not perform the duty of his ſtation, why is he miniſter? I will not deſcend to a ſcurrilous altercation with any man; but this is a ſubject too important to be paſſed over with ſilent indifference. If the gentlemen, whoſe conduct is in queſtion, are not brought to a trial, the Duke of Grafton ſhall hear from me again.

The motives on which I am ſuppoſed to have taken up this cauſe, are of little importance, compared with the facts themſelves, and the obſervations I have made upon them. Without a vain profeſſion of integrity, which in theſe times might juſtly be ſuſpected, I ſhall ſhow myſelf in effect a friend to the intereſts of my countrymen, and leave it to them to determine, whether I am moved by a perſonal malevolence to three private gentlemen, or merely by a hope of perplexing the miniſtry; or whether I am animated by a juſt and honourable purpoſe of obtaining a ſatisfaction to the laws of this country, equal, if poſſible, to the violation they have ſuffered. JUNIUS.

LETTER XXXIII.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, NOV. 29, 1769.

THOUGH my opinion of your Grace's integrity was but little affected by the coyneſs with which you received Mr. Vaughan's propoſals, I confeſs I give you ſome credit for your diſcretion. You had a fair opportunity of diſplaying a certain delicacy, of which you had not been ſuſpected; and you were in the right to make uſe of it. By laying in a moderate ſtock of reputation, you undoubtedly meant to provide for the future neceſſities of your character, that, with an honourable reſiſtance upon record, you may

ſafely indulge your genius, and yield to a favourite inclination with ſecurity. But you have diſcovered your purpoſes too ſoon; and, inſtead of the modeſt reſerve of virtue, have ſhown us the termagant chaſtity of a prude, who gratifies her paſſions with diſtinction, and proſecutes one lover for a rape, while ſhe ſolicits the lewd embraces of another.

Your cheeks turn pale; for a guilty conſcience tells you, you are undone. Come forward, thou virtuous miniſter, and tell the world by what intereſt Mr. Hine has been recommended to ſo extraordinary a mark of his Majeſty's favour; what was the price of the patent he has bought, and to what honourable purpoſe the purchaſe-money has been applied? Nothing leſs than many thouſands could pay Colonel Burgoyne's expences at Preſton. Do you dare to proſecute ſuch a creature as Vaughan, while you are baſely ſetting up the Royal patronage to auction? Do you dare to complain of an attack upon your own honour, while you are ſelling the favours of the Crown, to raiſe a fund for corrupting the morals of the people? And, do you think it is poſſible ſuch enormities ſhould eſcape without impeachment? It is indeed highly your intereſt to maintain the preſent houſe of commons. Having ſold the nation to you in groſs, they will undoubtedly protect you in the detail; for while they patronize your crimes, they feel for their own. JUNIUS.

LETTER XXXIV.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, DEC. 12, 1769.

I Find with ſome ſurprize, that you are not ſupported as you deſerve. Your moſt determined advocates

advocates have ſcruples about them, which you are unacquainted with; and though there be nothing too hazardous for your Grace to engage in, there are ſome things too infamous for the vileſt proſtitute of a newſpaper to defend. * In what other manner ſhall we account for the profound, ſubmiſſive ſilence, which you and your friends have obſerved upon a charge, which called immediately for the cleareſt refutation, and would have juſtified the ſevereſt meaſures of reſentment? I did not attempt to blaſt your character by an indirect, ambiguous inſinuation; but candidly ſtated to you a plain fact, which ſtruck directly at the integrity of a privy-counſellor, of a firſt commiſſioner of the treaſury, and of a leading miniſter, who is ſuppoſed to enjoy the firſt ſhare in his Majeſty's confidence. † In every one of theſe capacities, I employed the moſt moderate terms to charge you with treachery to your Sovereign, and breach of truſt in your office. I accuſed you of having ſold a patent place in the collection of the cuſtoms at Exeter, to one Mr. Hine, who, unable or unwilling to depoſit the whole purchaſe-money himſelf, raiſed part of it by contribution, and has now a certain Doctor Brooke quartered upon the ſalary for one hundred pounds a-year. No ſale by the candle was ever conducted with greater formality. I affirm, that the price at which the place was knocked down (and which, I have good reaſon to think, was not leſs than three thouſand five hundred pounds) was, with your connivance and conſent, paid to Colonel Burgoyne, to reward him, I preſume, for the de-

* From the publication of the preceding to this date, not one word was ſaid in defence of the infamous Duke of Grafton. But vice and impudence ſoon recovered themſelves, and the ſale of the royal favour was openly avowed and defended. We acknowledge the piety of St. James's; but what is become of *his* morality?

† And by the ſame means preſerves it to this hour.

cency of his deportment at Preſton; or to reimburſe him, perhaps, for the fine of one thouſand pounds, which, for that very deportment, the court of King's-bench thought proper to ſet upon him. It is not often that the chief juſtice and the prime miniſter are ſo ſtrangely at variance in their opinions of men and things.

I thank God, there is not in human nature a degree of impudence daring enough to deny the charge I have fixed upon you. Your courteous ſecretary, * your confidential architect, † are ſilent as the grave. Even Mr. Rigby's countenance fails him. He violates his ſecond nature, and bluſhes whenever he ſpeaks of you. Perhaps the noble colonel himſelf will relieve you. No man is more tender of his reputation. He is not only nice, but perfectly ſore in every thing that touches his honour. If any man, for example, were to accuſe him of taking his ſtand at a gaming table, and watching, with the ſobereſt attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would undoubtedly conſider it as an infamous aſperſion upon his character, and reſent it like a man of honour. Acquitting him therefore of drawing a regular and ſplendid ſubſiſtence from any unworthy practices either in his own houſe or elſewhere, let me aſk your Grace, for what military merits you have been pleaſed to reward him with military government? He had a regiment of dragoons, which one would imagine was at leaſt an equivalent for any ſervices he ever performed. Beſides, he is but a young officer conſidering his preferment, and, except in his activity at Preſton, not very conſpicuous in his profeſſion. But it ſeems the ſale

* Tommy Bradſhaw.

† Mr. Taylor. He and George Roſs (the Scotch agent, and worthy confident of Lord Mansfield) managed the buſineſs.

175 *This Day is published,* 1770

Price Two Shillings,

AN APPEAL to the PUBLIC On Behalf of SAMUEL VAUGHAN, Esq; In a full and impartial Narrative of his Negociation with the Duke of GRAFTON! Containing the several Affidavits, Letters, &c. of the Duke of Grafton, and others, as filed in the Court of King's Bench, Michaelmas Term, 1769, and the different Pleadings and Speeches on the Case, together with an Account of various Tranfactions before and since the Rule was made absolute; and an Appendix relating to the Public Offices in the Island of Jamaica.

What stronger Breast-Plate than a Heart untainted?
Thrice is he arm'd, who hath his Quarrel just;
And he but naked, though lock'd up in Steel,
Whose Conscience with Injustice is corrupted.

☞ A Question similar to this was never before agitated in a Court of Law.

Printed for E. and C. Dilly, in the Poultry, and J. Ridley in St. James's Street.

Of whom may be had, Price 6d. A Refutation of false Aspersion thrown out upon Samuel Vaughan, Esq

in the Reign of William III. Lord Molesworth, who had ably ſerved his Country as Envoy there, found ſo many uncommon Difficulties on his Return home, that even in that conſtitutional Reign, he could hardly eſcape the Artifices of his Enemies, ſo as to obtain Safety for himſelf, or any Reward for his Services.

Wedneſday Col. Owen ſet out of Town for Pembrokeſhire, to offer himſelf again a Candidate for the ſaid County, his laſt Election being declared void. Sir Richard Phillips, Bart, who has been the Sitting Member for this Seſſion and the laſt, has declined offering himſelf a Candidate in Oppoſition to the Colonel; but one Mr. Simmons, and another Gentleman, are gone down to oppoſe him. The laſt Election we are informed, was made void by Conſent of both the contending Parties, on Condition that Sir Richard ſhould not oppoſe the Colonel at this Time; however, it is ſaid, that he will give his Intereſt to the ſaid Mr. Simmons.

The great Quantity of Malt now in London has reduced the Price ſo very conſiderably, that the Brewers are likely to get more Money this Year than has been known for many Years

ſale of a civil employment was not ſufficient; and military governments, which were intended for the ſupport of worn-out veterans, muſt be thrown into the ſcale, to defray the extenſive bribery of a conteſted election. Are theſe the ſteps you take to ſecure to your Sovereign the attachment of his army? With what countenance dare you appear in the royal preſence, branded as you are with the infamy of a notorious breach of truſt? With what countenance can you take your ſeat at the treaſury-board or in council, when you feel that every circulating whiſper is at your expence alone, and ſtabs you to the heart? Have you a ſingle friend in parliament ſo ſhameleſs, ſo thoroughly abandoned, as to undertake your defence? You know, my Lord, that there is not a man in either houſe, whoſe character, however flagitious, would not be ruined by mixing his reputation with yours; and does not your heart inform you, that you are degraded below the condition of a man, when you are obliged to hear theſe inſults with ſubmiſſion, and even to thank me for my moderation?

We are told, by the higheſt judicial authority, that Mr. Vaughan's offer to purchaſe the reverſion of a patent place in Jamaica (which he was otherwiſe ſufficiently intitled to) amounted to a high miſdemeanor. Be it ſo; and if he deſerves it, let him be puniſhed. But the learned judge might have had a fairer opportunity of diſplaying the powers of his eloquence. Having delivered himſelf with ſo much energy upon the criminal nature and dangerous conſequences of any attempt to corrupt a man in your Grace's ſtation, what would he have ſaid to the miniſter himſelf, to that very privy counſellor, to that firſt commiſſioner of the treaſury, who does not wait for, but impatiently ſolicits, the touch of corruption; who employs the meaneſt of his creatures in theſe honourable

honourable ſervices, and, forgetting the genius and fidelity of his ſecretary, deſcends to apply to his houſe-builder for aſſiſtance?

This affair, my Lord, will do infinite credit to government, if, to clear your character, you ſhould think proper to bring it in the houſe of Lords, or into the court of King's-bench. But, my Lord, you dare not do either. JUNIUS.

A little before the publication of this and the preceding letter, the chaſte Duke of Grafton had commenced a proſecution againſt Mr. Samuel Vaughan, for endeavouring to corrupt his integrity by an offer of five thouſand pounds for a patent place in Jamaica. A rule to ſhew cauſe why an information ſhould not be exhibited againſt Vaughan, for certain miſdemeanours, being granted by the Court of King's-bench, the matter was ſolemnly argued on the 27th of November, 1769, and, by the unanimous opinion of the four judges, the rule was made abſolute. The pleadings and ſpeeches were accurately taken in ſhort-hand, and publiſhed. The whole of Lord Mansfield's ſpeech, and particularly the following extracts from it, deſerve the reader's attention. "A practice of the kind "complained of here is certainly diſhonourable and ſcandalous.— "If a man, ſtanding under the relation of an officer under the "King, or of a perſon in whom the King puts confidence, or of "a miniſter, takes money for the uſe of that confidence the King "puts in him, he baſely betrays the King—he baſely betrays "his truſt. If the King ſold the office, it would be acting con-"trary to the truſt the conſtitution hath repoſed in him. The "conſtitution does not intend the crown ſhould ſell thoſe offices, "to raiſe a revenue out of them. Is it poſſible to heſitate, whether "this would not be criminal in the Duke of Grafton—contrary "to his duty as a privy counſellor—contrary to his duty as a mi-"niſter—contrary to his duty as a ſubject? His advice ſhould be "free, according to his judgment;—it is the duty of his office;— "he hath ſworn to it." Notwithſtanding all this, the chaſte Duke of Grafton certainly ſold a patent place to Mr. Hine, for three thouſand five hundred pounds; and, for ſo doing, is now Lord Privy Seal to the chaſte George, with whoſe piety we are perpetually deafened. If the houſe of commons had done their duty, and impeached the black Duke for this moſt infamous breach of truſt, how woefully muſt poor, honeſt Mansfield have been puzzled! His embarraſſment would have afforded the moſt ridiculous ſcene that ever was exhibited. To ſave the worthy judge from this perplexity, and the no leſs worthy Duke from impeachment, the proſecution againſt *Vaughan* was immediately dropped upon my diſcovery

LETTER XXXV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

DEC. 19, 1769.

When the complaints of a brave and powerful people are obſerved to increaſe in proportion to the wrongs they have ſuffered; when, inſtead of ſinking into ſubmiſſion, they are rouſed to reſiſtance; the time will ſoon arrive at which every inferior conſideration muſt yield to the ſecurity of the Sovereign, and to the general ſafety of the ſtate. There is a moment of difficulty and danger, at which flattery and falſehood can no longer deceive, and ſimplicity itſelf can no longer be miſled. Let us ſuppoſe it arrived. Let us ſuppoſe a gracious, well-intentioned prince, made ſenſible at laſt of the great duty he owes to his people, and of his own diſgraceful ſituation; that he looks round him for aſſiſtance, and aſks for no advice but how to gratify the wiſhes and ſecure the happineſs of his ſubjects. In theſe circumſtances, it may be matter of curious SPECULATION to conſider, if an honeſt man were permitted to approach a King, in what terms he would addreſs himſelf to his Sovereign. Let it be imagined, no matter how improbable, that the firſt prejudice againſt his character is removed, that the ceremonious difficulties of an audience are ſurmounted, that he feels himſelf animated by the pureſt and moſt honourable affection to his King and country, and that the great perſon whom he addreſſes, has ſpirit enough to bid him ſpeak freely, and underſtanding

diſcovery and publication of the Duke's treachery. The ſuffering this charge to paſs, without any inquiry, fixes ſhameleſs proſtitution upon the face of the houſe of commons, more ſtrongly than even the Middleſex election. Yet the licentiouſneſs of the preſs is complained of!

derſtanding enough to liſten to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his ſentiments with dignity and firmneſs, but not without reſpect.

SIR,

IT is the misfortune of your life, and originally the cauſe of every reproach and diſtreſs which have attended your government, that you ſhould never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however, too late to correct the error of your education. We are ſtill inclined to make an indulgent allowance for the pernicious leſſons you received in your youth, and to form the moſt ſanguine hopes from the natural benevolence of your diſpoſition.* We are far from thinking you capable of a direct, deliberate purpoſe to invade thoſe original rights of your

* The plan of tutelage and future dominion over the heir-apparent, laid many years ago at Carleton-houſe, between the Princeſs Dowager, and her favourite, the Earl of Bute, was as groſs and palpable, as that which was concerned between Ann of Auſtria and Cardinal Mazarin to govern Lewis the Fourteenth, and in effect to prolong his minority until the end of their lives. That prince had ſtrong natural parts, and uſed frequently to bluſh for his own ignorance and want of education, which had been wilfully neglected by his mother and her minion. A little experience however ſoon ſhowed him how ſhamefully he had been treated, and for what infamous purpoſes he had been kept in ignorance. Our great Edward too, at an early period, had ſenſe enough to underſtand the nature of the connection between his abandoned mother and the deteſted Mortimer. But, ſince that time, human nature, we may obſerve, is greatly altered for the better. Dowagers may be chaſte, and minions may be honeſt. When it was propoſed to ſettle the preſent King's houſehold as Prince of Wales, it is well known that the Earl of Bute was forced into it, in direct contradiction to the late King's inclination. *That* was the ſalient point, from which all the miſchiefs and diſgraces of the preſent reign took life and motion. From that moment, Lord Bute never ſuffered the Prince of Wales to be an inſtant out of his ſight. We need not look farther.

your ſubjects, on which all their civil and political liberties depend. Had it been poſſible for us to entertain a ſuſpicion ſo diſhonourable to your character, we ſhould long ſince have adopted a ſtile of remonſtrance very diſtant from the humility of complaint. The doctrine inculcated by our laws, *That the King can do no wrong*, is admitted without reluctance. We ſeparate the amiable, good-natured prince from the folly and treachery of his ſervants, and the private virtues of the man from the vices of his government. Were it not for this juſt diſtinction, I know not whether your Majeſty's condition, or that of the Engliſh nation, would deſerve moſt to be lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offenſive idea of perſonal reproach. Your ſubjects, Sir, wiſh for nothing but that, as *they* are reaſonable and affectionate enough to ſeparate your perſon from your government, ſo *you*, in your turn, ſhould diſtinguiſh between the conduct which becomes the permanent dignity of a King, and that which ſerves only to promote the temporary intereſt and miſerable ambition of a miniſter.

You aſcended the throne with a declared, and, I doubt not, a ſincere, reſolution of giving univerſal ſatisfaction to your ſubjects. You found them pleaſed with the novelty of a young prince, whoſe countenance promiſed even more than his words; and loyal to you, not only from principle, but paſſion. It was not a cold profeſſion of allegiance to the firſt magiſtrate; but a partial, animated attachment to a favourite prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience; but gave you a generous credit for the future bleſſings of your reign, and paid you in advance the deareſt tribute of their affections.

fections. Such, Sir, was once the diſpoſition of a people, who now ſurround your throne with reproaches and complaints. Do juſtice to yourſelf. Baniſh from your mind thoſe unworthy opinions, with which ſome intereſted perſons have laboured to poſſeſs you. Diſtruſt the men who tell you that the Engliſh are naturally light and inconſtant—that they complain without a cauſe. Withdraw your confidence equally from all parties; from miniſters, favourites, and relations; and let there be one moment in your life, in which you have conſulted your own underſtanding.

When you affectedly renounced the name of Engliſhman, believe me, Sir, you were perſuaded to pay a very ill-judged compliment to one part of your ſubjects, at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection; nor do I mean to condemn the policy of giving ſome encouragement to the novelty of their affections for the houſe of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future ſteadineſs of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in excluſion of your Engliſh ſubjects, who placed your family, and, in ſpite of treachery and rebellion, have ſupported it, upon the throne, is a miſtake too groſs even for the unſuſpecting generoſity of youth. In this error we ſee a capital violation of the moſt obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience.

To the ſame early influence we attribute it, that you have deſcended to take a ſhare not only in the narrow views and intereſts of particular perſons, but

in

in the fatal malignity of their paſſions. At your acceſſion to the throne, the whole ſyſtem of government was altered, not from wiſdom or deliberation, but becauſe it had been adopted by your predeceſſor. A little perſonal motive of pique and reſentment was ſufficient to remove the ableſt ſervants of the crown;* but it is not in this country, Sir, that ſuch men can be diſhonoured by the frowns of a King. They were diſmiſſed, but could not be diſgraced. Without entering into a minuter diſcuſſion of the merits of the peace, we may obſerve, in the imprudent hurry with which the firſt overtures from France were accepted, in the conduct of the negotiation and terms of the treaty, the ſtrongeſt marks of that precipitate ſpirit of conceſſion with which a certain part of your ſubjects have been at all times ready to purchaſe a peace with the natural enemies of this country. On *your* part we are ſatisfied that every thing was honourable and ſincere; and if England was ſold to France, we doubt not that your Majeſty was equally betrayed. The conditions of the peace were matter of grief and ſurprize to your ſubjects, but not the immediate cauſe of their preſent diſcontent.

Hitherto, Sir, you had been ſacrificed to the prejudices and paſſions of others. With what firmneſs will you bear the mention of your own?

A man, not very honourably diſtinguiſhed in the world, commences a formal attack upon your favourite, conſidering nothing but how he might beſt expoſe his perſon and principles to deteſtation, and the national character of his countrymen to contempt. The natives of that country, Sir, are as much diſ-

 tinguiſhed

* One of the firſt acts of the preſent reign was to diſmiſs Mr. Legge, becauſe he had ſome years before refuſed to yield his intereſt in Hampſhire, to a Scotchman, recommended by Lord Bute. This was the reaſon publicly aſſigned by his Lordſhip.

tinguiſhed by a peculiar character, as by your Majeſty's favour. Like another choſen people, they have been conducted into the land of plenty, where they find themſelves effectually marked, and divided from mankind. There is hardly a period at which the moſt irregular character may not be redeemed. The miſtakes of one ſex find a retreat in patriotiſm, thoſe of the other in devotion. Mr. Wilkes brought with him into politics the ſame liberal ſentiments by which his private conduct had been directed; and ſeemed to think, that, as there are few exceſſes in which an Engliſh gentleman may not be permitted to indulge, the ſame latitude was allowed him in the choice of his political principles, and in the ſpirit of maintaining them.—I mean to ſtate, not entirely to defend, his conduct. In the earneſtneſs of his zeal, he ſuffered ſome unwarrantable inſinuations to eſcape him. He ſaid more than moderate men would juſtify; but not enough to entitle him to the honour of your Majeſty's perſonal reſentment. The rays of Royal indignation, collected upon him, ſerved only to illuminate, and could not conſume. Animated by the favour of the people on the one ſide, and heated by perſecution on the other, his views and ſentiments changed with his ſituation. Hardly ſerious at firſt, he is now an enthuſiaſt. The coldeſt bodies warm with oppoſition, the hardeſt ſparkle in colliſion. There is a holy, miſtaken zeal in politics as well as religion. By perſuading others we convince ourſelves. The paſſions are engaged, and create a maternal affection in the mind, which forces us to love the cauſe for which we ſuffer.—Is this a contention worthy of a King? Are you not ſenſible how much the meanneſs of the cauſe gives an air of ridicule to the ſerious difficulties into which you have been betrayed? The deſtruction of one man

man has been now for many years the ſole object of your government; and if there can be any thing ſtill more diſgraceful, we have ſeen, for ſuch an object, the utmoſt influence of the executive power, and every miniſterial artifice, exerted without ſucceſs. Nor can you ever ſucceed, unleſs *he* ſhould be imprudent enough to forfeit the protection of thoſe laws to which you owe your crown, or unleſs your miniſters ſhould perſuade you to make it a queſtion of force alone, and try the whole ſtrength of government in oppoſition to the people. The leſſons *he* has received from experience, will probably guard him from ſuch exceſs of folly; and in your Majeſty's virtues we find an unqueſtionable aſſurance that no illegal violence will be attempted.

Far from ſuſpecting you of ſo horrible a deſign, we would attribute the continued violation of the laws, and even this laſt enormous attack upon the vital principles of the conſtitution, to an ill-adviſed, unworthy, perſonal reſentment. From one falſe ſtep you have been betrayed into another; and as the cauſe was unworthy of you, your miniſters were determined that the prudence of the execution ſhould correſpond with the wiſdom and dignity of the deſign. They have reduced you to the neceſſity of chooſing out of a variety of difficulties;—to a ſituation ſo unhappy, that you can neither do wrong without ruin, nor right without affliction. Theſe worthy ſervants have undoubtedly given you many ſingular proofs of their abilities. Not contented with making Mr. Wilkes a man of importance, they have judiciouſly transferred the queſtion, from the rights and intereſts of one man, to the moſt important rights and intereſts of the people; and forced your ſubjects, from wiſhing well to the cauſe of an individual, to unite with him in their own.

Let them proceed as they have begun, and your Majeſty need not doubt that the cataſtrophe will do no diſhonour to the conduct of the piece.

The circumſtances to which you are reduced, will not admit of a compromiſe with the Engliſh nation. Undeciſive qualifying meaſures will diſgrace your government ſtill more than open violence, and, without ſatisfying the people, will excite their contempt. They have too much underſtanding and ſpirit to accept of an indirect ſatisfaction for a direct injury. Nothing leſs than a repeal, as formal as the reſolution itſelf, can heal the wound which has been given to the conſtitution, nor will any thing leſs be accepted. I can readily believe that there is an influence ſufficient to recal that pernicious vote. The houſe of commons undoubtedly conſider their duty to the crown as paramount to all other obligations. To *us* they are only indebted for an accidental exiſtence, and have juſtly transferred their gratitude from their parents to their benefactors;—from thoſe who gave them birth, to the miniſter, from whoſe benevolence they derive the comforts and pleaſures of their political life—who has taken the tendereſt care of their infancy, and relieves their neceſſities without offending their delicacy. But if it were poſſible for their integrity to be degraded to a condition ſo vile and abject, that, compared with it, the preſent eſtimation they ſtand in is a ſtate of honour and reſpect, conſider, Sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long ſubmit to be governed by ſo flexible a houſe of commons? It is not in the nature of human ſociety, that any form of government, in ſuch circumſtances, can long be preſerved. In ours, the general contempt of the people is as fatal as their deteſtation. Such, I am perſuaded, would be the neceſſary

ceſſary effect of any baſe conceſſion made by the preſent houſe of commons, and, as a qualifying meaſure would not be accepted, it remains for you to decide whether you will, at any hazard, ſupport a ſet of men who have reduced you to this unhappy dilemma, or whether you will gratify the united wiſhes of the whole people of England by diſſolving the parliament.

Taking it for granted, as I do very ſincerely, that you have perſonally no deſign againſt the conſtitution, or any view inconſiſtent with the good of your ſubjects, I think you cannot heſitate long upon the choice which it equally concerns your intereſt and your honour to adopt. On one ſide, you hazard the affections of all your Engliſh ſubjects, you relinquiſh every hope of repoſe to yourſelf, and you endanger the eſtabliſhment of your family for ever. All this you venture for no object whatſoever, or for ſuch an object as it would be an affront to you to name. Men of ſenſe will examine your conduct with ſuſpicion; while thoſe who are incapable of comprehending to what degree they are injured, afflict you with clamours equally inſolent and unmeaning. Suppoſing it poſſible that no fatal ſtruggle ſhould enſue, you determine at once to be unhappy, without the hope of a compenſation either from intereſt or ambition. If an Engliſh King be hated or deſpiſed, he *muſt* be unhappy; and this perhaps is the only political truth which he ought to be convinced of without experiment. But if the Engliſh people ſhould no longer confine their reſentment to a ſubmiſſive repreſentation of their wrongs; if, following the glorious example of their anceſtors, they ſhould no longer appeal to the creature of the conſtitution, but to that High Being who gave them the rights of humanity, whoſe gifts it were ſacrilege to ſurrender; let me aſk

you, Sir, upon what part of your ſubjects would you rely for aſſiſtance?

The people of Ireland have been uniformly plundered and oppreſſed. In return, they give you every day freſh marks of their reſentment. They deſpiſe the miſerable governor you have ſent them,* becauſe he is the creature of Lord Bute; nor is it from any natural confuſion in their ideas that they are ſo ready to confound the original of a King with the diſgraceful repreſentation of him.

The diſtance of the Colonies would make it impoſſible for them to take an active concern in your affairs, if they were as well affected to your government as they once pretended to be to your perſon. They were ready enough to diſtinguiſh between *you* and your miniſters. They complained of an act of the legiſlature, but traced the origin of it no higher than to the ſervants of the crown: they pleaſed themſelves with the hope that their Sovereign, if not favourable to their cauſe, at leaſt was impartial. The deciſive perſonal part you took againſt them, has effectually baniſhed that firſt diſtinction from their minds. † They conſider you as united with your ſervants againſt America; and know how to diſtinguiſh the Sovereign and a venal parliament on one ſide, from the real ſentiments of the Engliſh people on

* Viſcount Townſhend, ſent over on the plan of being reſident governor. The hiſtory of his ridiculous adminiſtration ſhall not be loſt to the public.

† In the King's ſpeech of 8th November, 1768, it was declared, "That the ſpirit of faction had broken out afreſh in ſome "of the colonies, and, in one of them, proceeded to acts of vio- "lence and reſiſtance to the execution of the laws;—that Boſton "was in a ſtate of diſobedience to all law and government, and "had proceeded to meaſures ſubverſive of the conſtitution, and "attended with circumſtances that manifeſted a diſpoſition to "throw off their dependence on Great-Britain."

on the other. Looking forward to independence, they might poſſibly receive you for their King; but, if ever you retire to America, be aſſured they will give you ſuch a covenant to digeſt, as the Preſbytery of Scotland have been aſhamed to offer to Charles II. They left their native land in ſearch of freedom, and found it in a deſart. Divided as they are into a thouſand forms of policy and religion, there is one point in which they all agree:—they equally deteſt the pageantry of a King, and the ſupercilious hypocriſy of a biſhop.

It is not then from the alienated affections of Ireland or America, that you can reaſonably look for aſſiſtance; ſtill leſs from the people of England, who are actually contending for their rights, and in this great queſtion are parties againſt you. You are not, however, deſtitute of every appearance of ſupport: you have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all Scotland, without exception. Conſidering from what family you are deſcended, the choice of your friends has been ſingularly directed; and truly, Sir, if you had not loſt the whig intereſt of England, I ſhould admire your dexterity in turning the hearts of your enemies. Is it poſſible for you to place any confidence in men, who, before they are faithful to you, muſt renounce every opinion, and betray every principle, both in church and ſtate, which they inherit from their anceſtors, and are confirmed in by their education? whoſe numbers are ſo inconſiderable, that they have long ſince been obliged to give up the principles and language which diſtinguiſh them as a party, and to fight under the banners of their enemies? Their zeal begins with hypocriſy, and muſt conclude in treachery. At firſt they deceive; at laſt they betray.

As

As to the Scotch, I muſt ſuppoſe your heart and underſtanding ſo biaſſed, from your earlieſt infancy, in their favour, that nothing leſs than *your own* misfortunes can undeceive you. You will not accept of the uniform experience of your anceſtors; and, when once a man is determined to believe, the very abſurdity of the doctrine confirms him in his faith. A bigotted underſtanding can draw a proof of attachment to the houſe of Hanover from a notorious zeal for the houſe of Stuart, and find an earneſt of future loyalty in former rebellions. Appearances are, however, in their favour; ſo ſtrongly indeed, that one would think they had forgotten that you are their lawful King, and had miſtaken you for a pretender to the crown. Let it be admitted then that the Scotch are as ſincere in their preſent profeſſions, as if you were in reality not an Engliſhman, but a Briton of the North. You would not be the firſt prince, of their native country, againſt whom they have rebelled, nor the firſt whom they have baſely betrayed. Have you forgotten, Sir, or has your favourite concealed from you that part of our hiſtory, when the unhappy Charles (and he too had private virtues) fled from the open, avowed indignation of his Engliſh ſubjects, and ſurrendered himſelf at diſcretion to the good faith of his own countrymen? Without looking for ſupport in their affections as ſubjects, he applied only to their honours, as gentlemen, for protection. They received him as they would your Majeſty, with bows, and ſmiles, and falſehood, and kept him until they had ſettled their bargain with the Engliſh parliament; then baſely ſold their native king to the vengeance of his enemies. This, Sir, was not the act of a few traitors, but the deliberate treachery of a Scotch parliament, repreſenting the nation. A wiſe prince might draw from it two leſ-

ſons

ſons of equal utility to himſelf. On one ſide he might learn to dread the undiſguiſed reſentment of a generous people, who dare openly aſſert their rights, and who in a juſt cauſe are ready to meet their Sovereign in the field. On the other ſide, he would be taught to apprehend ſomething far more formidable;—a fawning treachery, againſt which no prudence can guard, no courage can defend. The inſidious ſmile upon the cheek would warn him of the canker in the heart.

From the uſes to which one part of the army has been too frequently applied, you have ſome reaſon to expect that there are no ſervices they would refuſe. Here too we trace the partiality of your underſtanding. You take the ſenſe of the army from the conduct of the guards, with the ſame juſtice with which you collect the ſenſe of the people from the repreſentations of the miniſtry. Your marching regiments, Sir, will not make the guards their example either as ſoldiers or ſubjects. They feel and reſent, as they ought to do, that invariable, undiſtinguſhing favour with which the guards are treated; * while thoſe gallant troops, by whom every hazardous, every laborious ſervice is performed, are left to periſh in garriſons abroad, or pine in quarters at home, neglected and forgotten. If they had no ſenſe of the great original duty they owe their country, their reſentment would operate like patriotiſm, and leave your cauſe

* The number of commiſſioned officers in the guards are to the marching regiments as *one* to eleven;—the number of regiments given to the guards, compared with thoſe given to the line, is about three to one, at a moderate computation; conſequently the partiality in favour of the guards, is at thirty-three to one. So much for the officers. The private men have four-pence a day to ſubſiſt on, and five hundred laſhes if they deſert. Under this puniſhment they frequently expire. With theſe encouragements, it is ſuppoſed, they may be depended upon, whenever a certain perſon thinks it neceſſary to butcher his *fellow ſubjects*.

cauſe to be defended by thoſe to whom you have laviſhed the rewards and honours of their profeſſion. The Prætorian Bands, enervated and debauched as they were, had ſtill ſtrength enough to awe the Roman populace: but when the diſtant legions took the alarms, they marched to Rome, and gave away the empire.

On this ſide, then, which ever way you turn your eyes, you ſee nothing but perplexity and diſtreſs. You may determine to ſupport the very miniſtry who have reduced your affairs to this deplorable ſituation: you may ſhelter yourſelf under the forms of a parliament, and ſet your people at defiance. But be aſſured, Sir, that ſuch a reſolution would be as imprudent as it would be odious. If it did not immediately ſhake your eſtabliſhment, it would rob you of your peace of mind for ever.

On the other, how different is the proſpect! How eaſy, how ſafe, and honourable, is the path before you! The Engliſh nation declare they are groſsly injured by their repreſentatives, and ſolicit your Majeſty to exert your lawful prerogative, and give them an opportunity of recalling a truſt which they find has been ſcandalouſly abuſed. You are not to be told, that the power of the houſe of commons is not original, but delegated to them for the welfare of the people, from whom they received it. A queſtion of right ariſes between the conſtituent and the repreſentative body. By what authority ſhall it be decided! Will your Majeſty interfere in a queſtion in which you have properly no immediate concern. It would be a ſtep equally odious and unneceſſary. Shall the lords be called upon to determine the rights and privileges of the commons? They cannot do it without a flagrant breach of the conſtitution. Or will you refer it to the judges? They have often told

your anceſtors, that the law of parliament is above them. What part then remains, but to leave it to the people to determine for themſelves? They alone are injured; and ſince there is no ſuperior power to which the cauſe can be referred, they alone ought to determine.

I do not mean to perplex you with a tedious argument upon a ſubject already ſo diſcuſſed, that inſpiration could hardly throw a new light upon it. There are, however, two points of view in which it particularly imports your Majeſty to conſider the late proceedings of the houſe of commons. By depriving a ſubject of his birthright, they have attributed to their own vote an authority equal to an act of the whole legiſlature; and, though perhaps not with the ſame motives, have ſtrictly followed the example of the long parliament, which firſt declared the regal office uſeleſs, and ſoon after, with as little ceremony, diſſolved the houſe of lords. The ſame pretended power, which robs an Engliſh ſubject of his birth-right, may rob an Engliſh King of his crown. In another view, the reſolution of the houſe of commons, apparently not ſo dangerous to your Majeſty, is ſtill more alarming to your people. Not contented with diveſting one man of his right, they have arbitrarily conveyed that right to another. They have ſet aſide a return as illegal, without daring to cenſure thoſe officers, who were particularly appriſed of Mr. Wilkes's incapacity, not only by the declaration of the houſe, but expreſsly by the writ directed to them, and who nevertheleſs returned him as duly elected. They have rejected the majority of votes, the only criterion by which our laws judge of the ſenſe of the people; they have transferred the right of election from the collective to the repreſentative body; and by theſe acts, taken ſeparately or together,

together, they have eſſentially altered the conſtitution of the houſe of commons. Verſed, as your Majeſty undoubtedly is, in the Engliſh hiſtory, it cannot eaſily eſcape you, how much it is your intereſt, as well as your duty, to prevent one of the three eſtates from encroaching upon the province of the other two, or aſſuming the authority of them all. When once they have departed from the great conſtitutional line, by which all their proceedings ſhould be directed, who will anſwer for their future moderation? Or what aſſurance will they give you, that, when they have trampled upon their equals, they will ſubmit to a ſuperior? Your Majeſty may learn hereafter, how nearly the ſlave and tyrant are allied.

Some of your council, more candid than the reſt, admit the abandoned profligacy of the preſent houſe of commons, but oppoſe their diſſolution upon an opinion, I confeſs, not very unwarrantable, that their ſucceſſors would be equally at the diſpoſal of the treaſury. I cannot perſuade myſelf that the nation will have profited ſo little by experience. But if that opinion were well founded, you might then gratify our wiſhes at an eaſy rate, and appeaſe the preſent clamour againſt your government, without offering any material injury to the favourite cauſe of corruption.

You have ſtill an honourable part to act. The affections of your ſubjects may ſtill be recovered. But before you ſubdue *their* hearts, you muſt gain a noble victory over your *own*. Diſcard thoſe little, perſonal reſentments, which have too long directed your public conduct. Pardon this man the remainder of his puniſhment; and if reſentment ſtill prevails, make it, what it ſhould have been long ſince, an act, not of mercy, but of contempt. He will ſoon fall back into his natural ſtation—a ſilent ſenator, and hardly

hardly ſupporting the weekly eloquence of a newſpaper. The gentle breath of peace would leave him on the ſurface, neglected and unremoved. It is only the tempeſt that lifts him from his place.

Without conſulting your miniſter, call together your whole council. Let it appear to the public, that you can determine and act for yourſelf. Come forward to your people. Lay aſide the wretched formalities of a King; and ſpeak to your ſubjects with the ſpirit of a man, and in the language of a gentleman. Tell them you have been fatally deceived. The acknowledgment will be no diſgrace, but rather an honour to your underſtanding. Tell them you are determined to remove every cauſe of complaint againſt your government; that you will give your confidence to no man, who does not poſſeſs the confidence of your ſubjects; and leave it to themſelves to determine, by their conduct at a future election, whether or no it be in reality the general ſenſe of the nation, that their rights have been arbitrarily invaded by the preſent houſe of commons, and the conſtitution betrayed. They will then do juſtice to their repreſentatives and to themſelves.

Theſe ſentiments, Sir, and the ſtile they are conveyed in, may be offenſive, perhaps, becauſe they are new to you. Accuſtomed to the language of courtiers, you meaſure their affections by the vehemence of their expreſſions; and when they only praiſe you indirectly, you admire their ſincerity. But this is not a time to trifle with your fortune. They deceive you, Sir, who tell you that you have many friends whoſe affections are founded upon a principle of perſonal attachment. The firſt foundation of friendſhip is not the power of conferring benefits, but the equality with which they are received, and *may* be returned. The fortune, which made you a

King, forbad you to have a friend. It is a law of nature which cannot be violated with impunity. The miſtaken prince, who looks for friendſhip, will find a favourite, and in that favourite the ruin of his affairs.

The people of England are loyal to the houſe of Hanover, not from a vain preference of one family to another, but from a conviction that the eſtabliſhment of that family was neceſſary to the ſupport of their civil and religious liberties. This, Sir, is a principle of allegiance equally ſolid and rational; fit for Engliſhmen to adopt, and well worthy of your Majeſty's encouragement. We cannot long be deluded by nominal diſtinctions. The name of Stuart of itſelf is only contemptible;—armed with the ſovereign authority, their principles are formidable. The Prince who imitates their conduct, ſhould be warned by their example; and, while he plumes himſelf upon the ſecurity of his title to the crown, ſhould remember, that, as it was acquired by one revolution, it may be loſt by another. JUNIUS.

LETTER XXXVI.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, FEB. 14, 1770.

IF I were perſonally your enemy, I might pity and forgive you. You have every claim to compaſſion, that can ariſe from miſery and diſtreſs. The condition you are reduced to would diſarm a private enemy of his reſentment, and leave no conſolation to the moſt vindictive ſpirit, but that ſuch an object as you are would diſgrace the dignity of revenge. But in the relation you have borne to this country, you have no title to indulgence; and if I had followed

lowed the dictates of my own opinion, I never ſhould have allowed you the reſpite of a moment. In your public character, you have injured every ſubject of the empire; and though an individual is not authorized to forgive the injuries done to ſociety, he is called upon to aſſert his ſeparate ſhare in the public reſentment. I ſubmitted, however, to the judgment of men, more moderate, perhaps more candid, than myſelf. For my own part, I do not pretend to underſtand thoſe prudent forms of decorum, thoſe gentle rules of diſcretion, which ſome men endeavour to unite with the conduct of the greateſt and moſt hazardous affairs. Engaged in the defence of an honourable cauſe, I would take a deciſive part. I ſhould ſcorn to provide for a future retreat, or to keep terms with a man who preſerves no meaſures with the public. Neither the abject ſubmiſſion of deſerting his poſt in the hour of danger, nor even the * ſacred ſhield of cowardice, ſhould protect him. I would purſue him through life, and try the laſt exertion of my abilities to preſerve the periſhable infamy of his name, and make it immortal.

What then, my Lord, is this the event of all the ſacrifices you have made to Lord Bute's patronage, and to your own unfortunate ambition? Was it for this you abandoned your earlieſt friendſhips—the warmeſt connections of your youth, and all thoſe honourable engagements, by which you once ſolicited, and might have acquired, the eſteem of your country? Have you ſecured no recompence for ſuch a waſte of honour? Unhappy man! what party will receive the common deſerter of all parties? Without a client to flatter, without a friend to conſole you, and with only one companion from the honeſt houſe

* ——*Sacro tremuere timore.* Every coward pretends to be planet-ſtruck.

of Bloomſbury, you muſt now retire into a dreadful ſolitude. At the moſt active period of life, you muſt quit the buſy ſcene, and conceal yourſelf from the world, if you would hope to ſave the wretched remains of a ruined reputation. The vices operate like age, bring on diſeaſe before its time, and in the prime of youth leave the character broken and exhauſted.

Yet your conduct has been myſterious, as well as contemptible. Where is now that firmneſs, or obſtinacy, ſo long boaſted of by your friends, and acknowledged by your enemies? We were taught to expect, that you would not leave the ruin of this country to be completed by other hands, but were determined either to gain a deciſive victory over the conſtitution, or to periſh bravely at leaſt behind the laſt dike of the prerogative. You knew the danger, and might have been provided for it. You took ſufficient time to prepare for a meeting with your parliament, to confirm the mercenary fidelity of your dependants, and to ſuggeſt to your Sovereign a language ſuited to his dignity at leaſt, if not to his benevolence and wiſdom. Yet, while the whole kingdom was agitated with anxious expectation upon one great point, you meanly evaded the queſtion, and, inſtead of the explicit firmneſs and deciſion of a King, gave us nothing but the miſery of a ruined * grazier, and the whining piety of a Methodiſt. We had reaſon to expect, that notice would have been taken of the petitions which the King had received from the Engliſh nation; and although I can conceive ſome perſonal motives for not yielding to them, I can find none, in common prudence or decency, for treating them with contempt. Be aſſured, my Lord, the Engliſh people

* There was ſomething wonderfully pathetic in the mention of the horned cattle.

people will not tamely ſubmit to this unworthy treatment:—they had a right to be heard; and their petitions, if not granted, deſerved to be conſidered. Whatever be the real views and doctrine of a court, the Sovereign ſhould be taught to preſerve ſome forms of attention to his ſubjects; and, if he will not redreſs their grievances, not to make them a topic of jeſt and mockery among lords and ladies of the bedchamber. Injuries may be atoned for, and forgiven; but inſults admit of no compenſation. They degrade the mind in its own eſteem, and force it to recover its level by revenge. This neglect of the petitions was however a part of your original plan of government; nor will any conſequences it has produced, account for your deſerting your Sovereign, in the midſt of that diſtreſs in which you and your * new friends had involved him. One would think, my Lord, you might have taken this ſpirited reſolution before you had diſſolved the laſt of thoſe early connections, which once, even in your own opinion, did honour to your youth;—before you had obliged Lord Granby to quit a ſervice he was attached to; before you had diſcarded one chancellor, and killed another. To what an abject condition have you laboured to reduce the beſt of princes, when the unhappy man, who yields at laſt to ſuch perſonal inſtance and ſolicitation as never can be fairly employed againſt a ſubject, feels himſelf degraded by his compliance, and is unable to ſurvive the diſgraceful honours which his gracious Sovereign had compelled him to accept. He was a man of ſpirit, for he had a quick ſenſe of ſhame, and death has redeemed his character. I know your Grace too well to appeal to your feelings upon this event; but there is another heart not yet, I hope, quite callous to the touch of

* The Bedford party.

humanity, to which it ought to be a dreadful leſſon for ever. *

Now, my Lord, let us conſider the ſituation to which you have been conducted, and in which you have thought it adviſeable to abandon your royal maſter. Whenever the people have complained, and nothing better could be ſaid in defence of the meaſures of government, it has been the faſhion to anſwer us, though not very fairly, with an appeal to the private virtues of your Sovereign. "Has he "not, to relieve the people, ſurrendered a conſider-"able part of his revenue?—Has he not made the "judges independent, by fixing them in their places "for life?"—My Lord, we acknowledge the gracious principle which gave birth to theſe conceſſions, and have nothing to regret but that it has never been adhered to. At the end of ſeven years, we are loaded with a debt of above five hundred thouſand pounds upon the civil liſt; and we now ſee the Chancellor of Great-Britain tyrannically forced out of his office, not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honeſt opinion in parliament, upon the greateſt conſtitutional queſtion that has ariſen ſince the revolution. We care not to whoſe private virtues you appeal:—the theory of ſuch a government is falſhood and mockery; the practice is oppreſſion. You have laboured then (though I confeſs to no purpoſe) to rob your maſter of the only plauſible anſwer that ever was given in defence of his government—of the opinion which the people had conceived of his perſonal honour and integrity. The Duke of Bedford was more moderate than your Grace. He only forced his

* The moſt ſecret particulars of this deteſtable tranſaction ſhall, in due time, be given to the public. The people ſhall know what kind of man they have to deal with.

his maſter to violate a ſolemn promiſe made to an individual. * But you, my Lord, have ſucceſsfully extended your advice to every political, every moral engagement, that could bind either the magiſtrate or the man. The condition of a King is often miſerable, but it required your Grace's abilities to make it contemptible. You will ſay, perhaps, that the faithful ſervants, in whoſe hands you have left him, are able to retrieve his honour, and to ſupport his government. You have publicly declared, even ſince your reſignation, that you approved of their meaſures, and admired their conduct, particularly that of the Earl of Sandwich. What a pity it is, that, with all this appearance, you ſhould think it neceſſary to ſeparate yourſelf from ſuch amiable companions! You forget, my Lord, that while you are laviſh in the praiſe of men whom you deſert, you are publicly oppoſing your conduct to your opinions, and depriving yourſelf of the only plauſible pretence you had for leaving your Sovereign overwhelmed with diſtreſs: I call it plauſible; for, in truth, there is no reaſon whatſoever, leſs than the frowns of your maſter, that could juſtify a man of ſpirit for abandoning his poſt at a moment ſo critical and important. It is in vain to evade the queſtion. If you will not ſpeak out, the public have a right to judge from appearances. We are authoriſed to conclude, that you either differed from your colleagues, whoſe meaſures you ſtill affect to defend, or that you thought the adminiſtration of the King's affairs no longer tenable. You are at liberty to chooſe between the hypocrite and the coward. Your beſt friends are in doubt which way they ſhall incline. Your country unites the characters, and gives you credit for them both. For my own part, I ſee nothing inconſiſtent in your conduct

* Mr. Stuart Mackenzie.

conduct. You begin with betraying the people—you conclude with betraying the King.

In your treatment of particular perſons, you have preſerved the uniformity of your character. Even Mr. Bradſhaw declares, that no man was ever ſo ill uſed as himſelf. As to the proviſion * you have made for his family, he was intitled to it by the houſe he lives in. The ſucceſſor of one Chancellor might well pretend to be the rival of another. It is the breach of private friendſhip which touches Mr. Bradſhaw; and to ſay the truth, when a man of his rank and abilities had taken ſo active a part in your affairs, he ought not to have been let down at laſt with a miſerable penſion of fifteen hundred pounds a year. Colonel Luttrell, Mr. Onſlow, and Governor Burgoyne, were equally engaged with you, and have rather more reaſon to complain than Mr Bradſhaw. Theſe are men, my Lord, whoſe friendſhip you ſhould have adhered to on the ſame principle on which you deſerted Lord Rockingham, Lord Chatham, Lord Camden, and the Duke of Portland. We can eaſily account for your violating your engagements with men of honour; but why ſhould you betray your

* A penſion of 1500l. per annum, inſured upon the 4 1-half per cents. (he was too cunning to truſt to Iriſh ſecurity) for the lives of himſelf and all his ſons. This gentleman, who a very few years ago was clerk to a contractor for forage, and afterwards exalted to a petty poſt in the war-office, thought it neceſſary (as ſoon as he was appointed Secretary to the Treaſury) to take that great houſe in Lincoln's-Inn-Fields, in which the Earl of Northington had reſided while he was Lord High Chancellor of Great Britain. As to the penſion, Lord North very ſolemnly aſſured the houſe of commons, that no penſion was ever ſo well deſerved as Mr. Bradſhaw's.—N. B. Lord Camden and Sir Jeffery Amherſt are not near ſo well provided for; and Sir Edward Hawke, who ſaved the ſtate, retires with two thouſand pounds a-year on the Iriſh eſtabliſhment, from which he in fact receives leſs than Mr. Bradſhaw's penſion.

your natural connections? Why ſeparate yourſelf from Lord Sandwich, Lord Gower, and Mr. Rigby, or leave the three worthy gentlemen above-mentioned to ſhift for themſelves? With all the faſhionable indulgence of the times, this country does not abound in characters like theirs; and you may find it a very difficult matter to recruit the black catalogue of your friends.

The recollection of the royal patent you ſold to Mr. Hine, obliges me to ſay a word in defence of a man whom you have taken the moſt diſhonourable means to injure. I do not refer to the ſham proſecution which you affected to carry on againſt him. On that ground, I doubt not, he is prepared to meet you with tenfold recrimination, and ſet you at defiance. The injury you had done him affects his moral character. You knew that the offer to purchaſe the reverſion of a place, which has heretofore been ſold under a decree of the court of Chancery, however imprudent in his ſituation, would no way tend to cover him with that ſort of guilt which you wiſhed to fix upon him in the eyes of the world. You laboured then, by every ſpecies of falſe ſuggeſtion, and even by publiſhing counterfeit letters, to have it underſtood that he had propoſed terms of accommodation to you, and had offered to abandon his principles, his party, and his friends. You conſulted your own breaſt for a character of conſummate treachery, and gave it to the public for that of Mr. Vaughan. I think myſelf obliged to do this juſtice to an injured man, becauſe I was deceived by the appearances thrown out by your Grace, and have frequently ſpoken of his conduct with indignation. If he really be, what I think him, honeſt, though miſtaken, he will be happy in recovering his reputation, though at the expence of his underſtanding. Here, I ſee, the matter

matter is likely to reſt. Your Grace is afraid to carry on the proſecution. Mr. Hine keeps quiet poſſeſſion of his purchaſe; and Governor Burgoyne, relieved from the apprehenſion of refunding the money, ſits down, for the remainder of his life, INFAMOUS AND CONTENTED.

I believe, my Lord, I may now take my leave of you for ever. You are no longer that reſolute miniſter, who had ſpirit to ſupport the moſt violent meaſures; who compenſated for the want of good and great qualities, by a brave determination (which ſome people admired and relied on) to maintain himſelf without them. The reputation of obſtinacy and perſeverence might have ſupplied the place of all the abſent virtues. You have now added the laſt negative to your character, and meanly confeſſed that you are deſtitute of the common ſpirit of a man. Retire then, my Lord, and hide your bluſhes from the world; for, with ſuch a load of ſhame, even BLACK may change its colour. A mind ſuch as yours, in the ſolitary hours of domeſtic enjoyment, may ſtill find topics of conſolation. You may find it in the memory of violated friendſhip; in the afflictions of an accompliſhed prince, whom you have diſgraced and deſerted; and, in the agitations of a great country, driven by your counſels, to the brink of deſtruction.

The palm of miniſterial firmneſs is now tranſferred to Lord North. He tells us ſo himſelf, with the plenitude of the *ore rotundo*. *; and I am ready enough to believe, that, while he can keep his place, he will not eaſily be perſuaded to reſign it. Your Grace was the firm miniſter of yeſterday; Lord North

* This eloquent perſon has got as far as the *diſcipline* of Demoſthenes. He conſtantly ſpeaks with pebbles in his mouth, to improve his articulation.

North is the firm miniſter of to-day. To-morrow, perhaps, his Majeſty, in his wiſdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it poſſible that Lord North ſhould be permitted to govern this country. If we may believe common fame, they have ſhown him their ſuperiority already. His Majeſty is indeed too gracious to inſult his ſubjects, by chooſing his firſt miniſter from among the domeſtics of the Duke of Bedford. That would have been too groſs an outrage to the three kingdoms. Their purpoſe, however, is equally anſwered by puſhing forward this unhappy figure, and forcing it to bear the odium of meaſures which they in reality direct. Without immediately appearing to govern, they poſſeſs the power and diſtribute the emoluments of government as they think proper. They ſtill adhere to the ſpirit of that calculation which made Mr. Luttrell repreſentative of Middleſex. Far from regretting your retreat, they aſſure us, very gravely, that it increaſes the real ſtrength of the miniſtry. According to this way of reaſoning, they will probably grow ſtronger, and more flouriſhing, every hour they exiſt; for I think there is hardly a day paſſes in which ſome one or other of his Majeſty's ſervants does not leave them to improve by the loſs of his aſſiſtance. But, alas! their countenances ſpeak a different language. When the members drop off, the main body cannot be inſenſible of its approaching diſſolution. Even the violence of their proceedings is a ſignal of deſpair. Like broken tenants, who have had warning to quit the premiſes, they curſe their landlord, deſtroy the fixtures, throw every thing into confuſion, and care not what miſchief they do the eſtate.

LETTER

LETTER XXXVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MARCH 19, 1770.

I BELIEVE there is no man, however indifferent about the intereſts of this country, who will not readily confeſs that the ſituation to which we are now reduced, whether it has ariſen from the violence of faction, or from an arbitrary ſyſtem of government, juſtifies the moſt melancholy apprehenſions, and calls for the exertion of whatever wiſdom or vigour is left among us. The King's anſwer to the remonſtrance of the city of London, and the meaſures ſince adopted by the miniſtry, amount to a plain declaration, that the principle, on which Mr. Luttrell was ſeated in the houſe of commons, is to be ſupported in all its conſequences, and carried to its utmoſt extent. The ſame ſpirit, which violated the freedom of election, now invades the declaration and bill of rights, and threatens to puniſh the ſubject for exerciſing a privilege, hitherto undiſputed, of petitioning the crown. The grievances of the people are aggravated by inſults; their complaints not merely diſregarded, but checked by authority; and every one of thoſe acts, againſt which they remonſtrated, confirmed by the King's deciſive approbation. At ſuch a moment, no honeſt man will remain ſilent or inactive. However diſtinguiſhed by rank or property, in the rights of freedom we are all equal. As we are Engliſhmen, the leaſt conſiderable man among us has an intereſt equal to the proudeſt nobleman, in the laws and conſtitution of this country, and is equally called upon to make a generous contribution in ſupport of them; whether it be the heart to conceive, the underſtanding to direct, or the hand to execute. It is a common cauſe, in which we are all intereſted, in which

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we ſhould all be engaged. The man who deſerts it at this alarming criſis, is an enemy to his country, and, what I think of infinitely leſs importance, a traitor to his ſovereign. The ſubject, who is truly loyal to the chief magiſtrate, will neither adviſe nor ſubmit to arbitrary meaſures. The city of London hath given an example, which, I doubt not, will be followed by the whole kingdom. The noble ſpirit of the metropolis is the life-blood of the ſtate, collected at the heart: from that point it circulates, with health and vigour, through every artery of the conſtitution. The time is come, when the body of the Engliſh people muſt aſſert their own cauſe: conſcious of their ſtrength, and animated by a ſenſe of their duty, they will not ſurrender their birth-right to miniſters, parliaments, or kings.

The city of London have expreſſed their ſentiments with freedom and firmneſs; they have ſpoken truth boldly; and, in whatever light their remonſtrance may be repreſented by courtiers, I defy the moſt ſubtle lawyer in this country to point out a ſingle inſtance in which they have exceeded the truth. Even that aſſertion, which we are told is moſt offenſive to parliament, in the theory of the Engliſh conſtitution, is ſtrictly true. If any part of the repreſentative body be not choſen by the people, that part vitiates and corrupts the whole. If there be a defect in the repreſentation of the people, that power, which alone is equal to the making of the laws in this country, is not complete, and the acts of parliament under that circumſtance are not the acts of a pure and entire legiſlature. I ſpeak of the theory of our conſtitution; and whatever difficulties or inconveniences may attend the practice, I am ready to

maintain, that as far as the fact deviates from the principle, ſo far the practice is vicious and corrupt. I have not heard a queſtion raiſed upon any other part of the remonſtrance. That the principle on which the Middleſex election was determined, is more pernicious in its effects than either the levying of ſhip-money by Charles I. or the ſuſpending power aſſumed by his ſon, will hardly be diſputed by any man who underſtands or wiſhes well to the Engliſh conſtitution. It is not an act of open violence done by the King, or any direct or palpable breach of the laws attempted by his miniſter, that can ever endanger the liberties of this country. Againſt ſuch a King or a miniſter the people would immediately take the alarm, and all the parties unite to oppoſe him. The laws may be groſsly violated in particular inſtances, without any direct attack upon the whole ſyſtem. Facts of that kind ſtand alone; they are attributed to neceſſity, not defended by principle. We can never be really in danger, until the forms of parliament are made uſe of to deſtroy the ſubſtance of our civil and political liberties;—until parliament itſelf betrays its truſt, by contributing to eſtabliſh new principles of government, and employing the very weapons committed to it by the collective body, to ſtab the conſtitution.

As for the terms of the remonſtrance, I preſume it will not be affirmed, by any perſon leſs poliſhed than a gentleman-uſher, that this is a ſeaſon for compliments. Our gracious King indeed is abundantly civil to himſelf. Inſtead of an anſwer to a petition, his Majeſty very graciouſly pronounces his own panegyric; and I confeſs, that, as far as his perſonal behaviour, or the royal purity of his intentions, is concerned, the truth of thoſe declarations, which the miniſter

miniſter has drawn up for his maſter, cannot decently be diſputed. In every other reſpect, I affirm, that they are abſolutely unſupported either in argument or fact. I muſt add too, that ſuppoſing the ſpeech were otherwiſe unexceptionable, it is not a direct anſwer to the petition of the city. His Majeſty is pleaſed to ſay, that he is always ready to receive the requeſts of his ſubjects: yet the ſheriffs were twice ſent back with an excuſe, and it was certainly debated in council, whether or no the magiſtrates of the city of London ſhould be admitted to an audience. Whether the remonſtance be or be not injurious to parliament, is the very queſtion between the parliament and the people; and ſuch a queſtion as cannot be decided by the aſſertion of a third party, however reſpectable. That the petitioning for a diſſolution of parliament is irreconcileable with the principles of the conſtitution, is a new doctrine. His Majeſty perhaps has not been informed, that the houſe of commons themſelves have, by a formal reſolution, admitted it to be the right of the ſubject. His Majeſty proceeds to aſſure us, that he has made the laws the rule of his conduct. Was it in ordering or permitting his miniſters to apprehend Mr. Wilkes by a general warrant? Was it in ſuffering his miniſters to revive the obſolete maxim of *nullum tempus* to rob the Duke of Portland of his property, and thereby give a deciſive turn to a county election? Was it in erecting a chamber conſultation of ſurgeons, with authority to examine into and ſuperſede the legal verdict of a jury? Or did his Majeſty conſult the laws of this country, when he permitted his ſecretary of ſtate to declare, that, whenever the civil magiſtrate is trifled with, a military force muſt be ſent for, *without the delay of a moment*, and effectually

employed? or was it in the barbarous exactneſs with which this illegal, inhuman doctrine was carried into execution? If his Majeſty had recollected theſe facts, I think he would never have ſaid, at leaſt with any reference to the meaſures of his government, that he had made the laws the rule of his conduct. To talk of preſerving the affections, or relying on the ſupport, of his ſubjects, while he continues to act upon theſe principles, is indeed paying a compliment to their loyalty, which I hope they have too much ſpirit and underſtanding to deſerve.

His Majeſty, we are told, is not only punctual in the performance of his own duty, but careful not to aſſume any of thoſe powers which the conſtitution has placed in other hands. Admitting this laſt aſſertion to be ſtrictly true, it is no way to the purpoſe. The city of London have not deſired the King to aſſume a power placed in other hands. If they had, I ſhould hope to ſee the perſon who dared to preſent ſuch a petition, immediately impeached. They ſolicit their Sovereign to exert that conſtitutional authority, which the laws have veſted in him, for the benefit of his ſubjects. They call upon him to make uſe of his lawful prerogative in a caſe, which our laws evidently ſuppoſed might happen, ſince they have provided for it by truſting the Sovereign with a diſcretionary power to diſſolve the parliament. This requeſt will, I am confident, be ſupported by remonſtrances from all parts of the kingdom. His Majeſty will find at laſt, that this is the ſenſe of his people: and that it is not his intereſt to ſupport either miniſtry or parliament, at the hazard of a breach with the collective body of his ſubjects. That he is the King of a free people, is indeed his greateſt glory. That he may long continue the King of a free people,

ple, is the ſecond wiſh that animates my heart. The firſt is, THAT THE PEOPLE MAY BE FREE. *

JUNIUS.

LETTER XXXVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, APRIL 3, 1770.

IN my laſt letter, I offered you my opinion of the truth and propriety of his Majeſty's anſwer to the city of London, conſidering it merely as the ſpeech of a miniſter, drawn up in his own defence, and delivered, as uſual, by the chief magiſtrate. I would ſeparate, as much as poſſible, the King's perſonal character and behaviour from the acts of the preſent government. I wiſh it to be underſtood, that his Majeſty had in effect no more concern in the ſubſtance of what he ſaid, than Sir James Hodges had in the remonſtrance; and that as Sir James, in virtue of his office, was obliged to ſpeak the ſentiments of the people, his Majeſty might think himſelf bound, by the ſame official obligation, to give a graceful utterance to the ſentiments of his miniſter. The cold formality of a well-repeated leſſon is widely diſtant from the animated expreſſion of the heart.

This diſtinction, however, is only true with reſpect to the meaſure itſelf. The conſequences of it reach beyond the miniſter, and materially affect his Majeſty's honour. In their own nature they are formidable enough to alarm a man of prudence, and diſ-

* When his Majeſty had done reading his ſpeech, the Lord Mayor, &c. had the honour of kiſſing his Majeſty's hand; after which, as they were withdrawing, his Majeſty inſtantly turned round to his courtiers, *and burſt out a laughing.*

Nero fiddled, while Rome was burning. JOHN DEAN.

graceful enough to afflict a man of ſpirit. A ſubject, whoſe ſincere attachment to his Majeſty's perſon and family is founded upon rational principles, will not, in the preſent conjuncture, be ſcrupulous of alarming, or even of afflicting, his ſovereign. I know there is another ſort of loyalty, of which his Majeſty has had plentiful experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken poſſeſſion of an unhappy Prince, it ſeldom leaves him without accompliſhing his deſtruction. When the poiſon of their doctrines have tainted the natural benevolence of his diſpoſition, when their inſidious councils have corrupted the *ſtamina* of his government, what antidote can reſtore him to his political health and honour, but the firm ſincerity of his Engliſh ſubjects?

It has not been uſual in this country, at leaſt ſince the days of Charles I. to ſee the ſovereign perſonally at variance or engaged in a direct altercation with his ſubjects. Acts of grace and indulgence are wiſely appropriated to him, and ſhould conſtantly be performed by himſelf. He never ſhould appear but in an amiable light to his ſubjects. Even in France, as long as any ideas of a limited monarchy were thought worth preſerving, it was a maxim, that no man ſhould leave the royal preſence diſcontented. They have loſt or renounced the moderate principles of their government; and now when their parliaments venture to remonſtrate, the tyrant comes forward and anſwers abſolutely for himſelf. The ſpirit of their preſent conſtitution requires that the King ſhould be feared; and the principle, I believe, is tolerably ſupported by the fact. But, in our political ſyſtem, the theory is at variance with the practice; for the King ſhould be beloved. Meaſures of greater ſeverity may, indeed, in ſome circumſtances, be neceſſary; but the miniſter who adviſes, ſhould take the

the execution and odium of them entirely upon himſelf. He not only betrays his maſter, but violates the ſpirit of the Engliſh conſtitution, when he expoſes the chief magiſtrate to the perſonal hatred or contempt of his ſubjects. When we ſpeak of the firmneſs of government, we mean an uniform ſyſtem of meaſures, deliberately adopted, and reſolutely maintained by the ſervants of the crown; not a peeviſh aſperity in the language or behaviour of the ſovereign. The government of a weak, irreſolute monarch, may be wiſe, moderate, and firm; that of an obſtinate, capricious prince, on the contrary, may be feeble, undetermined, and relaxed. The reputation of public meaſures depends upon the miniſter, who is reſponſible; not upon the King, whoſe private opinions are not ſuppoſed to have any weight againſt the advice of his counſel, and whoſe perſonal authority ſhould therefore never be interpoſed in public affairs. This I believe is true conſtitutional doctrine. But for a moment let us ſuppoſe it falſe. Let it be taken for granted, that an occaſion may ariſe in which a King of England ſhall be compelled to take upon himſelf the ungrateful office of rejecting the petitions and cenſuring the conduct of his ſubjects; and let the city remonſtrance be ſuppoſed to have created ſo extraordinary an occaſion. On this principle, which I preſume no friend of adminiſtration will diſpute, let the wiſdom and ſpirit of the miniſtry be examined. They adviſe the King to hazard his dignity, by a poſitive declaration of his own ſentiments.—They ſuggeſt to him a language full of ſeverity and reproach. What follows? When his Majeſty had taken ſo deciſive a part in ſupport of his miniſtry and parliament, he had a right to expect from them a reciprocal demonſtration of firmneſs in their own cauſe, and of their zeal for his honour.

He

He had reaſon to expect (and ſuch, I doubt not, were the bluſtering promiſes of Lord North) that the perſons, whom he had been adviſed to charge with having failed in their reſpect to him, with having injured parliament, and violated the principles of the conſtitution, ſhould not have been permitted to eſcape without ſome ſevere marks of the diſpleaſure and vengeance of parliament. As the matter ſtands, the miniſter, after placing his ſovereign in the moſt unfavourable light to his ſubjects, and after attempting to fix the ridicule and odium of his own precipitate meaſures upon the royal character, leaves him a ſolitary figure upon the ſcene, to recal, if he can, or to compenſate, by future compliances, for one unhappy demonſtration of ill-ſupported firmneſs and ineffectual reſentment. As a man of ſpirit, his Majeſty cannot but be ſenſible, that the lofty terms in which he was perſuaded to reprimand the city, when united with the ſilly concluſion of the buſineſs, reſemble the pomp of a mock-tragedy, where the moſt pathetic ſentiments, and even the ſufferings of the hero, are calculated for deriſion.

Such has been the boaſted firmneſs and conſiſtency of a miniſter*, whoſe appearance in the houſe of commons was thought eſſential to the King's ſervice; —whoſe preſence was to influence every diviſion;—who had a voice to perſuade, an eye to penetrate, a geſture to command. The reputation of theſe great qualities has been fatal to his friends. The little dignity of Mr. Ellis has been committed. The mine was ſunk;—combuſtibles were provided;—and Welbore

* This graceful miniſter is oddly conſtructed. His tongue is a little too big for his mouth, and his eyes a great deal too big for their ſockets. Every part of his perſon ſets natural proportion at defiance. At this preſent writing, his head is ſuppoſed to be much too heavy for his ſhoulders.

bore Ellis, the Guy Faux of the fable, waited only for the ſignal of command. All of a ſudden the country gentlemen diſcover how groſsly they have been deceived:—the miniſter's heart fails him; the grand plot is defeated in a moment; and poor Mr. Ellis and his motion taken into cuſtody. From the event of Friday laſt, one would imagine that ſome fatality hung over this gentleman. Whether he makes or ſuppreſſes a motion, he is equally ſure of his diſgrace. But the complexion of the times will ſuffer no man to be vice-treaſurer of Ireland with impunity *.

I do not mean to expreſs the ſmalleſt anxiety for the miniſter's reputation. He acts ſeparately for himſelf and the moſt ſhameful inconſiſtency may perhaps be no diſgrace to him. But when the ſovereign, who repreſents the majeſty of the ſtate, appears in perſon, his dignity ſhould be ſupported. The occaſion ſhould be important;—the plan well conſidered;—the execution ſteady and conſiſtent. My zeal for his Majeſty's real honour compels me to aſſert, that it has been too much the ſyſtem of the preſent reign, to introduce him perſonally, either to act for, or to defend his ſervants. They perſuade him to

* About this time, the courtiers talked of nothing but a bill of pains and penalties againſt the Lord Mayor and Sheriffs, or impeachment at the leaſt. Little *Mannikin Ellis* told the King, that, if the buſineſs were left to his management, he would engage to do wonders. It was thought very odd, that a motion of ſo much importance ſhould be intruſted to the moſt contemptible little piece of machinery in the whole kingdom. His honeſt zeal however was diſappointed. The miniſter took fright; and, at the very inſtant that little Ellis was going to open, ſent him an order to ſit down. All their magnanimous threats ended in a ridiculous vote of cenſure, and a ſtill more ridiculous addreſs to the King. This ſhameful deſertion ſo afflicted the generous mind of George the Third, that he was obliged to live upon potatoes for three weeks, to keep off a malignant fever.——Poor man!——*Quis talia fando temperet a lachrymis!*

to do what is properly *their* buſineſs, and deſert him in the midſt of it *. Yet this is an inconvenience to which he muſt be for ever expoſed, while he adheres to a miniſtry divided among themſelves, or unequal in credit and ability to the great taſk they have undertaken. Inſtead of reſerving the interpoſition of the royal perſonage as the laſt reſource of government, their weakneſs obliges them to apply it to every ordinary occaſion, and to render it cheap and common in the opinion of the people. Inſtead of ſupporting their maſter, they look to *him* for ſupport; and, for the emoluments of remaining one day more in office, care not how much his ſacred character is proſtituted and diſhonoured.

If I thought it poſſible for this paper to reach the cloſet, I would venture to appeal at once to his Majeſty's judgment. I would aſk him, but in the moſt reſpectful terms, "As you are a young man, Sir, "who ought to have a life of happineſs in proſpect; "as you are a huſband;—as you are a father, [your "filial duties, I own, have been religiouſly per-"formed];—is it *bona fide* for your intereſt or your "honour, to ſacrifice your domeſtic tranquility, and "to live in a perpetual diſagreement with your peo-"ple, merely to preſerve ſuch a chain of beings as "North, Barrington, Weymouth, Gower, Ellis, "Onſlow, Rigby, Jerry Dyſon, and Sandwich? "Their very names are a ſatire upon all government, "and I defy the graveſt of your chaplains to read the "catalogue without laughing."

For my own part, Sir, I have always conſidered addreſſes from parliament, as a faſhionable, unmeaning

* After a certain perſon had ſucceeded in cajoling Mr. Yorke, he told the Duke of Grafton, with a witty ſmile, "My Lord, "you may kill the next Percy yourſelf."—N. B. He had but that inſtant wiped the tears away which overcame Mr. Yorke.

ing formality. Uſurpers, idiots, and tyrants, have been ſucceſſively complimented with almoſt the ſame profeſſions of duty and affection. But let us ſuppoſe them to mean exactly what they profeſs. The conſequences deſerve to be conſidered. Either the ſovereign is a man of high ſpirit and dangerous ambition, ready to take advantage of the treachery of his parliament, ready to accept of the ſurrender they make him of the public liberty;—or he is a mild, undeſigning prince, who, provided they indulge him with a little ſtate and pageantry, would of himſelf intend no miſchief. On the firſt ſuppoſition, it muſt ſoon be decided by the ſword, whether the conſtitution ſhould be loſt or preſerved. On the ſecond, a prince no way qualified for the execution of a great and hazardous enterprize, and without any determined object in view, may nevertheleſs be driven into ſuch deſperate meaſures, as may lead directly to his ruin, or diſgrace himſelf by a ſhameful fluctuation between the extremes of violence at one moment, and timidity at another. The miniſter, perhaps, may have reaſon to be ſatisfied with the ſucceſs of the preſent hour, and with the profits of his employment. He is the tenant of the day, and has no intereſt in the inheritance. The ſovereign himſelf is bound by other obligations; and ought to look forward to a ſuperior, a permanent intereſt. His paternal tenderneſs ſhould remind him, how many hoſtages he has given to ſociety. The ties of nature come powerfully in aid of oaths and proteſtations. The father, who conſiders his own precarious ſtate of health, and the poſſible hazard of a long minority, will wiſh to ſee the family-eſtate free and unincumbered*.

What

* Every true friend of the houſe of Brunſwick ſees, with affliction, how rapidly ſome of the principal branches of the family have dropped off.

What is the dignity of the crown, though it were really maintained;—what is the honour of parliament, ſuppoſing it could exiſt without any foundation of integrity and juſtice;—or what is the vain reputation of firmneſs, even if the ſcheme of the government were uniform and conſiſtent, compared with the heart-felt affections of the people, with the happineſs and ſecurity of the royal family, or even with the grateful acclamations of the populace? Whatever ſtile of contempt may be adopted by miniſters or parliaments, no man ſincerely deſpiſes the voice of the Engliſh nation. The houſe of commons are only interpreters, whoſe duty it is to convey the ſenſe of the people faithfully to the crown. If the interpretation be falſe or imperfect, the conſtituent powers are called upon to deliver their own ſentiments. Their ſpeech is rude, but intelligible;—their geſtures fierce, but full of explanation. Perplexed by ſophiſtries, their honeſt eloquence riſes into action. Their firſt appeal was to the integrity of their repreſentatives;—the ſecond, to the King's juſtice;—the laſt argument of the people, whenever they have recourſe to it, will carry more perhaps than perſuaſion to parliament, or ſupplication to the throne.

JUNIUS.

LETTER XXXIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MAY 28, 1770.

WHILE parliament was ſitting, it would neither have been ſafe, nor perhaps quite regular, to offer any opinion to the public, upon the juſtice or wiſdom of their proceedings. To pronounce

nounce fairly upon their conduct, it was neceſſary to wait until we could conſider, in one view, the beginning, progreſs, and concluſion, of their deliberations. The cauſe of the public was undertaken and ſupported by men, whoſe abilities and united authority, to ſay nothing of the advantageous ground they ſtood on, might well be thought ſufficient to determine a popular queſtion in favour of the people. Neither was the houſe of commons ſo abſolutely engaged in defence of the miniſtry or even of their own reſolutions, but that *they* might have paid ſome decent regard to the known diſpoſition of their conſtituents; and, without any diſhonour to their firmneſs, might have retracted an opinion too haſtily adopted, when they ſaw the alarm it had created, and how ſtrongly it was oppoſed by the general ſenſe of the nation. The miniſtry too would have conſulted their own immediate intereſt, in making ſome conceſſion ſatisfactory to the moderate part of the people. Without touching the fact, they might have conſented to guard againſt or give up the dangerous principle on which it was eſtabliſhed. In this ſtate of things, I think it was highly improbable, at the beginning of the ſeſſion, that the complaints of the people upon a matter which, in *their* apprehenſion at leaſt, immediately affected the life of the conſtitution, would be treated with as much contempt by their own repreſentatives, and by the houſe of lords, as they had been by the other branch of the legiſlature. Deſpairing of their integrity, we had a right to expect ſomething from their prudence, and ſomething from their fears. The Duke of Grafton certainly did not foreſee to what an extent the corruption of a parliament might be carried. He thought, perhaps, that there was ſtill ſome portion of ſhame or virtue left in the majority of the houſe of com-

mons, or that there was a line in public proſtitution beyond which they would ſcruple to proceed. Had the young man been a little more practiſed in the world, or had he ventured to meaſure the characters of other men by his own, he would not have been ſo eaſily diſcouraged.

The prorogation of parliament naturally calls upon us to review their proceedings, and to conſider the condition in which they have left the kingdom. I do not queſtion but they have done what is uſually called the King's buſineſs, much to his Majeſty's ſatisfaction. We have only to lament, that, in conſequence of a ſyſtem introduced or revived in the preſent reign, this kind of merit ſhould be very conſiſtent with the neglect of every duty they owe to the nation. The interval between the opening of the laſt and cloſe of the former ſeſſion, was longer than uſual. Whatever were the views of the miniſter in deferring the meeting of parliament, ſufficient time was certainly given to every member of the houſe of commons, to look back upon the ſteps he had taken, and the conſequences they had produced. The zeal of party, the violence of perſonal animoſities, and the heat of contention, had leiſure to ſubſide. From that period, whatever reſolution they took, was deliberate and prepenſe. In the preceding ſeſſion, the dependants of the miniſtry had affected to believe, that the final determination of the queſtion would have ſatisfied the nation, or at leaſt put a ſtop to their complaints; as if the certainty of an evil could diminiſh the ſenſe of it, or the nature of injuſtice could be altered by deciſion. But they found the people of England were in a temper very diſtant from ſubmiſſion; and, although it was contended that the houſe of commons could not themſelves reverſe a reſolution, which had the force and

effect

effect of a judicial ſentence, there were other conſtitutional expedients, which would have given a ſecurity againſt any ſimilar attempts for the future. The general propoſition in which the whole country had an intereſt, might have been reduced to a particular fact, in which Mr. Wilkes and Mr. Luttrel would alone have been concerned. The houſe of lords might interpoſe; the King might diſſolve the parliament; or, if every other reſource failed, there ſtill lay a grand conſtitutional writ of error, in behalf of the people, from the deciſion of one court to the wiſdom of the whole legiſlature. Every one of theſe remedies has been ſucceſſively attempted. The people performed *their* part with dignity, ſpirit, and perſeverance. For many months his Majeſty heard nothing from his people but the language of complaint and reſentment;—unhappily for this country, it was the daily triumph of his courtiers that he heard it with an indifference approaching to contempt.

The houſe of commons having aſſumed a power unknown to the conſtitution, were determined not merely to ſupport it in the ſingle inſtance in queſtion, but to maintain the doctrine in its utmoſt extent, and to eſtabliſh the fact as a precedent in law, to be applied in whatever manner his Majeſty's ſervants ſhould hereafter think fit. Their proceedings upon this occaſion are a ſtrong proof that a deciſion, in the firſt inſtance illegal and unjuſt, can only be ſupported by a continuation of falſhood and injuſtice. To ſupport their former reſolutions, they were obliged to violate ſome of the beſt known and eſtabliſhed rules of the houſe. In one inſtance, they went ſo far as to declare, in open defiance of truth and common ſenſe, that it was not the rule of the houſe to divide a complicated queſtion, at the requeſt of a

member. * But after trampling upon the laws of the land, it was not wonderful that they ſhould treat the private regulations of their own aſſembly with equal diſregard. The ſpeaker, being young in office, began with pretended ignorance, and ended with deciding for the miniſtry. We are not ſurpriſed at the deciſion; but he heſitated and bluſhed at his own baſeneſs, and every man was aſtoniſhed. †

The intereſt of the public was vigorouſly ſupported in the houſe of lords. Their right to defend the conſtitution againſt an encroachment of the other eſtates, and the neceſſity of exerting it at this period, was urged to them with every argument that could be ſuppoſed to influence the heart or the underſtanding. But it ſoon appeared, that they had already taken their part, and were determined to ſupport the houſe of commons, not only at the expence of truth and decency, but even by a ſurrender of their own moſt important rights. Inſtead of performing that duty which the conſtitution expected from them, in return for the dignity and independence of the ſtation, in return for the hereditary ſhare it has given them in the legiſlature, the majority of them made a common cauſe

* This extravagant reſolution appears in the Votes of the houſe; but, in the minutes of the committees, the inſtances of reſolutions contrary to law and truth, or of refuſals to acknowledge law and truth when propoſed to them, are innumerable.

† When the King firſt made it a meaſure of his government to deſtroy Mr. Wilkes, and when for this purpoſe it was neceſſary to run down privilege, Sir Fletcher Norton, with his uſual proſtituted effrontery, aſſured the houſe of commons, that he ſhould regard one of their votes no more than a reſolution of ſo many drunken porters. This is the very lawyer whom Ben Johnſton deſcribes in the following lines:

" Gives forked counſel; takes provoking gold,
" *On either hand*, and puts it up.
" So wiſe, ſo grave, of ſo perplex'd a tongue,
" And *loud* withal, that would not wag nor ſcarce
" Lie ſtill without *a fee*.

cauſe with the other houſe in oppreſſing the people, and eſtabliſhed another doctrine as falſe in itſelf, and if poſſible more pernicious to the conſtitution, than that on which the Middleſex election was determined. By reſolving, "that they had no right to impeach a judgment of the houſe of commons "in any caſe whatſoever where that houſe has a "competent juriſdiction," they in effect gave up that conſtitutional check and reciprocal controul of one branch of the legiſlature over the other, which is perhaps the greateſt and moſt important object provided for by the diviſion of the whole legiſlative power into three eſtates: and now, let the judicial deciſions of the houſe of commons be ever ſo extravagant, let their declarations of the law be ever ſo flagrantly falſe, arbitrary, and oppreſſive to the ſubject, the houſe of lords have impoſed a ſlaviſh ſilence upon themſelves; they cannot interpoſe; they cannot protect the ſubject; they cannot defend the laws of their country. A conceſſion ſo extraordinary in itſelf, ſo contradictory to the principles of their own inſtitution, cannot but alarm the moſt unſuſpecting mind. We may well conclude, that the lords would hardly have yielded ſo much to the other houſe, without the certainty of a compenſation, which can only be made to them at the expence of the people. * The arbitrary power they have aſſumed of impoſing fines, and committing during pleaſure, will now be exerciſed in its full extent. The houſe of commons are too much in their debt to queſtion or interrupt their proceedings. The Crown too, we may be well aſſured, will loſe nothing in this new diſtribution of

* The man who reſiſts and overcomes this iniquitous power aſſumed by the lords, muſt be ſupported by the whole people. We have the laws on our ſide, and want nothing but an intrepid leader. When ſuch a man ſtands forth, let the nation look to it. It is not his cauſe, but our own.

power. After declaring, that to petition for a diſſolution of parliament is irreconcileable with the principles of the conſtitution, his Majeſty has reaſon to expect that ſome extraordinary compliment will be returned to the Royal prerogative. The three branches of the legiſlature ſeem to treat their ſeparate rights and intereſt as the Roman Triumvirs did their friends. They reciprocally ſacrifice them to the animoſities of each other, and eſtabliſh a deteſtable union among themſelves, upon the ruin of the laws and liberty of the commonwealth.

Through the whole proceedings of the houſe of commons in this ſeſſion, there is an apparent, a palpable conſciouſneſs of guilt, which has prevented their daring to aſſert their own dignity, where it has been immediately and groſsly attacked. In the courſe of Doctor Muſgrave's examination, he ſaid every thing that can be conceived mortifying to individuals, or offenſive to the houſe. They voted his information frivolous; but they were awed by his firmneſs and integrity, and ſunk under it.* The terms in which the ſale of a patent to Mr. Hine were communicated to the public, naturally called for a parliamentary inquiry. The integrity of the houſe of commons was directly impeached; but they had not courage to move in their own vindication, becauſe the inquiry would have been fatal to Colonel Burgoyne and the Duke of Grafton. When Sir George Savile branded them with the name of traitors to their conſtituents; when the Lord Mayor, the Sheriffs, and Mr. Trecothick, expreſsly avowed and maintained every part of the city remonſtrance, why did

* The examination of this firm, honeſt man, is printed for *Almon*. The reader will find it a moſt curious and a moſt intereſting tract. Doctor Muſgrave, with no other ſupport but truth and his own firmneſs, reſiſted and overcame the whole houſe of commons.

did they tamely ſubmit to be inſulted? Why did they not immediately expel thoſe refractory members? Conſcious of the motives on which they had acted, they prudently preferred infamy to danger; and were better prepared to meet the contempt, than to rouſe the indignation, of the whole people. Had they expelled thoſe five members, the conſequences of the new doctrine of incapacitation would have come immediately home to every man. The truth of it would then have been fairly tried, without any reference to Mr. Wilkes's private character, or the dignity of the houſe, or the obſtinacy of one particular county. Theſe topics, I know, have had their weight with men, who, affecting a character of moderation, in reality conſult nothing but their own immediate eaſe;—who are weak enough to acquieſce under a flagrant violation of the laws, when it does not directly touch themſelves; and care not what injuſtice is practiſed upon a man, whoſe moral character they piouſly think themſelves obliged to condemn. In any other circumſtances, the houſe of commons muſt have forfeited all credit and dignity, if, after ſuch groſs provocation, they had permitted thoſe five gentlemen to ſit any longer among them. We ſhould then have ſeen and felt the operation of a precedent, which is repreſented to be perfectly barren and harmleſs. But there is a ſet of men in this country, whoſe underſtandings meaſure the violation of law by the magnitude of the inſtance, not by the important conſequences which flow directly from the principle; and the miniſter, I preſume, did not think it ſafe to quicken their apprehenſions too ſoon. Had Mr. Hampden reaſoned and acted like the moderate men of theſe days, inſtead of hazarding his whole fortune in a law-ſuit with the crown, he would have quietly paid the twenty ſhillings demanded of him;—

the

the Stuart family would probably have continued upon the throne, and at this moment the impoſition of ſhip-money would have been an acknowledged prerogative of the crown.

What then has been the buſineſs of the ſeſſion, after voting the ſupplies, and confirming the determination of the Middleſex election? The extraordinary prorogation of the Iriſh parliament, and the juſt diſcontents of that kingdom, have been paſſed by without notice. Neither the general ſituation of our colonies, nor that particular diſtreſs which forced the inhabitants of Boſton to take up arms in their defence, have been thought worthy of a moment's conſideration. In the repeal of thoſe acts which were moſt offenſive to America, the parliament have done every thing but remove the offence. They have relinquiſhed the revenue, but judiciouſly taken care to preſerve the contention. It is not pretended that the continuation of the tea-duty is to produce any direct benefit whatſoever to the mother country. What is it then but an odious, unprofitable exertion of a ſpeculative right, and fixing a badge of ſlavery upon the Americans, without ſervice to their maſters? But it has pleaſed God to give us a miniſtry and a parliament, who are neither to be perſuaded by argument, nor inſtructed by experience.

Lord North, I preſume, will not claim an extraordinary merit from any thing he has done this year in the improvement or application of the revenue. A great operation, directed to an important object, though it ſhould fail of ſucceſs, marks the genius and elevates the character of a miniſter. A poor, contracted underſtanding deals in little ſchemes, which diſhonour him if they fail, and do him no credit when they ſucceed. Lord North had fortunately the means in his poſſeſſion of reducing all the four *per cents*

cents at once. The failure of his firſt enterprize in finance, is not half ſo diſgraceful to his reputation as a miniſter, as the enterprize itſelf is injurious to the public. Inſtead of ſtriking one deciſive blow, which would have cleared the market at once, upon terms proportioned to the price of the four *per cents* ſix weeks ago, he has tampered with a pitiful portion of a commodity, which ought never to have been touched but in groſs:—he had given notice to the holders of that ſtock, of a deſign formed by government, to prevail upon them to ſurrender it by degrees, conſequently has warned them to hold up and enhance the price: ſo that the plan of reducing the four *per cents* muſt either be dropped entirely, or continued with an increaſing diſadvantage to the public. The miniſter's ſagacity has ſerved to raiſe the value of the thing he means to purchaſe, and to ſink that of the three *per cents*, which it is his purpoſe to ſell. In effect, he has contrived to make it the intereſt of the proprietor of four *per cents* to ſell out, and buy three *per cents* in the market, rather than ſubſcribe his ſtock upon any terms that can poſſibly be offered by government.

The ſtate of the nation leads us naturally to conſider the ſituation of the King. The prorogation of Parliament has the effect of a temporary diſſolution. The odium of meaſures adopted by the collective body ſits lightly upon the ſeparate members who compoſe it. They retire into ſummer-quarters, and reſt from the diſgraceful labours of the campaign. But as for the Sovereign, *it is not ſo with him.* He has a permanent exiſtence in this country; he cannot withdraw himſelf from the complaints, the diſcontents, the reproaches, of his ſubjects. They purſue him to his retirement, and invade his domeſtic happineſs, when no addreſs can be obtained from an obſequious

obſequious parliament to encourage or conſole him. In other times, the intereſt of the King and people of England was, as it ought to be, entirely the ſame. A new ſyſtem has not only been adopted in fact, but profeſſed upon principle. Miniſters are no longer the public ſervants of the ſtate, but the private domeſtics of the Sovereign. One particular claſs of men are permitted to call themſelves the King's friends*, as if the body of the people were the King's enemies; or as if his Majeſty looked for a reſource or conſolation in the attachment of a few favourites, againſt the general contempt and deteſtation of his ſubjects. Edward, and Richard the ſecond, made the ſame diſtinction between the collective body of the people, and a contemptible party who ſurrounded the throne. The event of their miſtaken conduct might have been a warning to their ſucceſſors. Yet the errors of thoſe princes were not without excuſe. They had as many falſe friends as our preſent g[illegible] s Sovereign, and infinitely greater temptations to deduce them. They were neither ſober, religious, nor demure. Intoxicated with pleaſure, they waſted their inheritance in purſuit of it. Their lives were like a rapid torrent, brilliant in proſpect, though uſeleſs or dangerous in its courſe. In the dull, unanimated exiſtence of other princes, we ſee nothing but a ſickly ſtagnant water, which taints the atmoſphere without fertilizing the ſoil.—The morality of a king is not to be meaſured by vulgar rules. His ſituation is ſingular. There are faults which do him honour, and virtues that diſgrace him. A faultleſs, inſipid equality in his character, is neither capable of vice

* "An ignorant, mercenary, and ſervile crew; unanimous in "evil, diligent in miſchief, variable in principles; conſtant to flat-"tery, talkers for liberty, but ſlaves to power; ſtiling themſelves "the court party, and the prince's only friends." *Davenant.*

ice nor virtue in the extreme; but it ſecures his ubmiſſion to thoſe perſons whom he has been accuſ-omed to reſpect, and makes him a dangerous inſtru-ment of *their* ambition. Secluded from the world, ttached from his infancy to one ſet of perſons and ne ſet of ideas, he can neither open his heart to new onnections, nor his mind to better information. A haracter of this ſort is the ſoil fitteſt to produce that bſtinate bigotry in politics and religion, which begins with a meritorious ſacrifice of the underſtanding, and inally conducts the monarch and the martyr to the lock.

At any other period, I doubt not, the ſcandalous iſorders which have been introduced into the govern-ment of all the dependencies in the empire, would ave rouſed the attention of the public. The odious buſe and proſtitution of the prerogative at home—he unconſtitutional employment of the military—he arbitrary fines and commitments by the houſe of ords, and court of King's-bench—the mercy of a haſte and pious prince, extended cheerfully to a wil-ful murderer, becauſe that murderer is the brother of a common proſtitute*—would, I think, at any other ime, have excited univerſal indignation. But the daring attack upon the conſtitution, in the Middleſex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the ſurface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our repreſentatives in parliament com-prehends, becauſe it is, the ſource and ſecurity of every right and privilege of the Engliſh nation. The miniſtry have realiſed the compendious ideas of Cali-gula. They know that the liberty, the laws, and property, of an Engliſhman, have in truth but one neck;

* Miſs Kennedy.

neck; and that to violate the freedom of election, ſtrikes deeply at them all.

JUNIUS.

LETTER XL.

TO LORD NORTH.

MY LORD, AUG. 22, 1770.

MR. Luttrel's ſervices were the chief ſupport and ornament of the Duke of Grafton's adminiſtration. The honour of rewarding them was reſerved for your Lordſhip. The Duke, it ſeems, had contracted an obligation he was aſhamed to acknowledge, and unable to acquit. You, my Lord, had no ſcruples. You accepted the ſucceſſion with all its encumbrances; and have paid Mr. Luttrel his legacy, at the hazard of ruining the eſtate.

When this accompliſhed youth declared himſelf the champion of government, the world was buſy in inquiring what honours or emoluments could be a ſufficient recompence to a young man of his rank and fortune, for ſubmitting to mark his entrance into life with the univerſal contempt and deteſtation of his country.—His noble father had not been ſo precipitate.—To vacate his ſeat in parliament—to intrude upon a county in which he had no intereſt or connection—to poſſeſs himſelf of another man's right, and to maintain it in defiance of public ſhame as well as juſtice—beſpoke a degree of zeal, or of depravity, which all the favour of a pious Prince could hardly requite. I proteſt, my Lord, there is in this young man's conduct, a ſtrain of proſtitution, which, for its ſingularity, I cannot but admire. He has diſcovered a new line in the human character;—he has degraded

degraded even the name of Luttrel, and gratified his father's moſt ſanguine expectations.

The Duke of Grafton, with every poſſible diſpoſition to patroniſe this kind of merit, was contented with pronouncing Colonel Luttrel's panegyric. The gallant ſpirit, the diſintereſted zeal of the young adventurer, were echoed through the houſe of lords. His Grace repeatedly pledged himſelf to the houſe, as an evidence of the purity of his friend Mr. Luttrel's intentions;—that he had engaged without any proſpect of perſonal benefit, and that the idea of compenſation would mortally offend him*. The noble Duke could hardly be in earneſt; but he had lately quitted his employment, and began to think it neceſſary to take ſome care of his reputation. At that very moment the Iriſh negociation was probably begun. —Come forward, thou worthy repreſentative of Lord Bute, and tell this inſulted country, Who adviſed the King to appoint Mr. Luttrel ADJUTANT-GENERAL to the army in Ireland? By what management was Colonel Cuninghame prevailed on to reſign his employment, and the obſequious Giſborne to accept of a penſion for the government of Kinſale†? Was it an original ſtipulation with the Princeſs of Wales, or does he owe his preferment to your Lord-

U ſhip's

* He now ſays that his great object is the rank of colonel, and that he *will* have it.

† This infamous tranſaction ought to be explained to the public. Colonel Giſborne was quarter-maſter-general in Ireland. Lord Townſhend perſuades him to reſign to a Scotch officer, one Fraſer, and gives him the government of Kinſale. —— Colonel Cuninghame was Adjutant-general in Ireland. Lord Townſhend offers him a penſion to induce him to reſign to Luttrel. Cuninghame treats the offer with contempt. What's to be done? Poor Giſborne muſt move once more.—— He accepts a penſion of 500l. a year, until a government of greater value ſhall become vacant. Colonel Cuninghame is made governor of Kinſale; and Luttrel, at laſt, from whom the whole machinery is put in motion, becomes adjutant-general, and in effect takes the command of the army in Ireland.

ſhip's partiality, or to the Duke of Bedford's friendſhip? My Lord, though it may not be poſſible to trace this meaſure to its ſource, we can follow the ſtream, and warn the country of its approaching deſtruction.—The Engliſh nation muſt be rouſed, and put upon its guard. Mr. Luttrel has already ſhewn us how far he may be truſted, whenever an open attack is to be made upon the liberties of this country. I do not doubt that there is a deliberate plan formed. ——Your Lordſhip beſt knows by whom;—the corruption of the legiſlative body on this ſide—a military force on the other—and then *farewell to England!* It is impoſſible that any miniſter ſhall dare to adviſe the King to place ſuch a man as Luttrel in the confidential poſt of Adjutant-general, if there were not ſome ſecret purpoſe in view, which only ſuch a man as Luttrel is fit to promote. The inſult offered to the army in general is as groſs as the outrage intended to the people of England. What! Lieutenant-colonel Luttrel Adjutant-general of an army of ſixteen thouſand men! One would think his Majeſty's campaigns at Blackheath and Wimbledon might have taught him better.—I cannot help wiſhing General Harvey joy of a colleague who does ſo much honour to the employment.—But, my Lord, this meaſure is too daring to paſs unnoticed, too dangerous to be received with indifference or ſubmiſſion. You ſhall not have time to new-model the Iriſh army. They will not ſubmit to be garbled by Colonel Luttrel. As a miſchief to the Engliſh conſtitution (for he is not worth the name of enemy) they already deteſt him. As a boy, impudently thruſt over their heads, they will receive him with indignation and contempt. —As for you, my Lord, who perhaps are no more than the blind, unhappy inſtrument of Lord Bute, and her Royal Highneſs the Princeſs of Wales, be aſſured, that

you ſhall be called upon to anſwer for the advice which has been given, and either diſcover your accomplices, or fall a ſacrifice to their ſecurity.

JUNIUS.

LETTER XLI.

TO THE RIGHT HONOURABLE LORD MANSFIELD.

MY LORD, NOV. 14, 1770.

THE appearance of this letter will attract the curioſity of the public, and command even your Lordſhip's attention. I am conſiderably in your debt; and ſhall endeavour, once for all, to balance the account. Accept of this addreſs, my Lord, as a prologue to more important ſcenes, in which you will probably be called upon to act or ſuffer.

You will not queſtion my veracity, when I aſſure you, that it has not been owing to any particular reſpect for your perſon that I have abſtained from you ſo long. Beſides the diſtreſs and danger with which the preſs is threatened, when your Lordſhip is party, and the party is to be judge, I confeſs I have been deterred by the difficulty of the taſk. Our language has no term of reproach, the mind has no idea of deteſtation, which has not already been happily applied to you, and exhauſted.—Ample juſtice has been done by abler pens than mine to the ſeparate merits of your life and character. Let it be *my* humble office to collect the ſcattered ſweets, till their united virtue tortures the ſenſe.

Permit me to begin with paying a juſt tribute to Scotch ſincerity wherever I find it. I own I am not apt to confide in the profeſſions of gentlemen of that country; and when they ſmile, I feel an involuntary emotion to guard myſelf againſt miſchief. With this

general opinion of an ancient nation, I always thought it much to your Lordſhip's honour, that, in your earlier days, you were but little infected with the prudence of your country. You had ſome original attachments, which you took every proper opportunity to acknowledge. The liberal ſpirit of youth prevailed over your native diſcretion. Your zeal in the cauſe of an unhappy prince was expreſſed with the ſincerity of wine, and ſome of the ſolemnities of religion*. This, I conceive, is the moſt amiable point of view in which your character has appeared. Like an honeſt man, you took that part in politics which might been expected from your birth, education, country, and connections. There was ſomething generous in your attachment to the baniſhed houſe of Stuart. We lament the miſtakes of a good man, and do not begin to deteſt him until he affects to renounce his principles. Why did you not adhere to that loyalty you once profeſſed? Why did you not follow the example of your worthy brother†? With him you might have ſhared in the honour of the Pretender's confidence—with him you might have preſerved the integrity of your character; and England, I think, might have ſpared you without regret. Your friends will ſay, perhaps, that although you deſerted the fortune of your liege Lord, you have adhered firmly to the principles which drove his father from the throne;—that, without openly ſupporting the perſon, you have done eſſential ſervice to the cauſe, and conſoled yourſelf for the loſs of a favourite family, by reviving and eſtabliſhing the maxims

* This man was always a rank Jacobite. Lord Ravenſworth produced the moſt ſatisfactory evidence of his having frequently drank the Pretender's health upon his knees.

† Confidential Secretary to the late Pretender. This circumſtance confirmed the friendſhip between the brothers.

maxims of their government. This is the way in which a Scotchman's underſtanding corrects the errors of his heart. My Lord, I acknowledge the truth of the defence, and can trace it through all your conduct. I ſee through your whole life one uniform plan to enlarge the power of the crown, at the expence of the liberty of the ſubject. To this object, your thoughts, words, and actions, have been conſtantly directed. In contempt or ignorance of the common law of England, you have made it your ſtudy to introduce into the court where you preſide, maxims of juriſprudence unknown to Engliſhmen. The Roman code, the law of nations, and the opinion of foreign civilians, are your perpetual theme;—but whoever heard you mention Magna Charta, or the Bill of Rights, with approbation or reſpect? By ſuch treacherous arts, the noble ſimplicity and free ſpirit of our Saxon laws were firſt corrupted. The Norman conqueſt was not complete, until Norman lawyers had introduced their laws, and reduced ſlavery to a ſyſtem.—This one leading principle directs your interpretation of the laws, and accounts for your treatment of juries. It is not in political queſtions only (for there the courtier might be forgiven) but let the caſe be what it may, your underſtanding is equally on the rack, either to contract the power of the jury, or to miſlead their judgment. For the truth of this aſſertion, I appeal to the doctrine you delivered in Lord Groſvenor's cauſe. An action for criminal converſation being brought by a peer againſt a prince of the blood, you were daring enough to tell the jury, that, in fixing the damages, they were to pay no regard to the quality or fortune of the parties;—that it was a trial between A and B;—that they were to conſider the offence in a moral

light only, and give no greater damages to a peer of the realm than to the meaneſt mechanic. I ſhall not attempt to refute a doctrine which, if it was meant for law, carries falſehood and abſurdity on the face of it; but if it was meant for a declaration of your political creed, is clear and conſiſtent. Under an arbitrary government, all ranks and diſtinctions are confounded. The honour of a nobleman is no more conſidered than the reputation of a peaſant; for with different liveries, they are equally ſlaves.

Even in matters of private property, we ſee the ſame bias and inclination to depart from the deciſions of your predeceſſors, which you certainly ought to receive as evidence of the common law. Inſtead of thoſe certain poſitive rules by which the judgment of a court of law ſhould invariably be determined, you have fondly introduced your own unſettled notions of equity and ſubſtantial juſtice. Deciſions given upon ſuch principles do not alarm the public ſo much as they ought, becauſe the conſequence and tendency of each particular inſtance is not obſerved or regarded. In the mean time, the practice gains ground; the Court of King's-Bench becomes a court of equity; and the judge, inſtead of conſulting ſtrictly the law of the land, refers only to the wiſdom of the court, and to the purity of his own conſcience. The name of Mr. Juſtice Yates will naturally revive in your mind ſome of thoſe emotions of fear and deteſtation with which you always beheld him. That great lawyer, that honeſt man, ſaw your whole conduct in the light that I do. After years of ineffectual reſiſtance to the pernicious principles introduced by your Lordſhip, and uniformly ſupported by your *humble friends* upon the bench, he determined to quit a court whoſe proceedings and deciſions he could neither aſſent to with honour, nor oppoſe with ſucceſs.

* The

* The injuſtice done to an individual is ſometimes of ſervice to the public. Facts are apt to alarm us more than the moſt dangerous principles. The ſufferings and firmneſs of a printer have rouſed the public attention. You knew and felt that your conduct would not bear a parliamentary inquiry; and you hoped to eſcape it by the meaneſt, the baſeſt ſacrifice of dignity and conſiſtency, that ever was made by a great magiſtrate. Where was your firmneſs, where was that vindictive ſpirit, of which we have ſeen ſo many examples, when a man, ſo inconſiderable as Bingley, could force you to confeſs, in the face of this country, that, for two years together, you had illegally deprived an Engliſh ſubject of his liberty, and that he had triumphed over you at laſt? Yet I own, my Lord, that yours is not an uncommon character. Women, and men like women, are timid, vindictive, and irreſolute. Their paſſions counteract each other; and make the ſame creature, at one moment hateful, at another contemptible. I fancy, my Lord, ſome time will elapſe before you venture to commit another Engliſhman for refuſing to anſwer interrogatories. †

The doctrine you have conſtantly delivered in caſes of libel, is another powerful evidence of a ſettled plan to contract the legal power of juries, and to draw queſtions, inſeparable from fact, within the *arbitrium*

* The oppreſſion of an obſcure individual gave birth to the famous *Habeas Corpus* Act of 31 Car. II. which is frequently conſidered as another Magna Charta of the kingdom.

Blackſtone, iii. 135.

† Bingley was committed for contempt in not ſubmitting to be examined. He lay in priſon two years, until the crown thought the matter might occaſion ſome ſerious complaint, and therefore he was let out, in the ſame contumelious ſtate he had been put in, with all his ſins about him, 'unanointed and unanealed.' There was much coquetry between the Court and the Attorney General, about who ſhould undergo the ridicule of letting him eſcape.—*Vide another Letter to* ALMON, *p.* 119.

bitrium of the court. Here, my Lord, you have fortune on your ſide. When you invade the province of the jury in matter of libel, you in effect attack the liberty of the preſs, and with a ſingle ſtroke wound two of your greateſt enemies. In ſome inſtances you have ſucceeded, becauſe jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief juſtice. In other criminal proſecutions, the malice of the deſign is confeſſedly as much the ſubject of conſideration to a jury as the certainty of the fact. If a different doctrine prevails in the caſe of libels, why ſhould it not extend to *all* criminal caſes?—why not to capital offences? I ſee no reaſon (and I dare ſay you will agree with me, that there is no good one) why the life of the ſubject ſhould be better protected againſt you, than his liberty or property. Why ſhould you enjoy the full power of pillory, fine, and impriſonment, and not be indulged with hanging or tranſportation? With your Lordſhip's fertile genius and merciful diſpoſition, I can conceive ſuch an exerciſe of the power you have, as could hardly be aggravated by that which you have not.

But, my Lord, ſince you have laboured (and not unſucceſsfully) to deſtroy the ſubſtance *of the trial*, why ſhould you ſuffer the form of the *verdict* to remain? Why force twelve honeſt men, in palpable violation of their oaths, to pronounce their fellow-ſubject a *guilty* man, when, almoſt at the ſame moment, you forbid their inquiring into the only circumſtance which, in the eye of law and reaſon, conſtitutes guilt—the malignity or innocence of his intentions? But I underſtand your Lordſhip. If you could ſucceed in making the trial by jury uſeleſs and ridiculous, you might then with greater ſafety introduce a bill into parliament for enlarging the

juriſdiction

juriſdiction of the court, and extending your favourite trial by interrogatories to every queſtion in which the life or liberty of an Engliſhman is concerned. *

Your charge to the jury, in the proſecution againſt Almon and Woodfall, contradicts the higheſt legal authorities, as well as the plaineſt dictates of reaſon. In Miller's cauſe, and ſtill more expreſsly in that of Baldwin, you have proceeded a ſtep farther, and groſsly contradicted yourſelf. You may know, perhaps, though I do not mean to inſult you by an appeal to your experience, that the language of truth is uniform and conſiſtent. To depart from it ſafely, requires memory and diſcretion. In the two laſt trials, your charge to the jury began as uſual, with aſſuring them, that they had nothing to do with the law—that they were to find the bare fact, and not concern themſelves about the legal inferences drawn from it, or the degree of the defendant's guilt. Thus far you were conſiſtent with your former practice. But how will you account for the concluſion? You told the jury, that "if, after all, they would take "upon themſelves to determine the law, *they might* "*do it*; but they muſt be very ſure that they deter- "mined according to law, for it touched their con- "ſciences, and they acted at their peril." If I underſtand your firſt propoſition, you meant to affirm, that the jury were not competent judges of the law in the criminal caſe of a libel;—that it did not fall within

* The philoſophical poet doth notably deſcribe the damnable and damned proceedings of the judge of hell:

"Gnoſſius hæc Rhadamanthus habet duriſſima regna,
"Caſtigatque, auditque dolos, *ſubigitque fateri.*"

Firſt he puniſheth, and *then* he heareth, and laſtly compelleth to confeſs, and makes and mars laws at his pleaſure: like the Centurion in the holy hiſtory did to St. Paul; for the text ſaith, "Centurio apprehendi Paulum juſſit, et ſe catenis eligari; et *tunc* "INTERROGABAT, quis fuiſſet, et quid feciſſet." But good judges and juſtices abhor theſe courſes. *Coke*, 2 *Inſt.* 55.

within *their* juriſdiction; and that, with reſpect to *them*, the malice or innocence of the defendant's intentions would be a queſtion *coram non judice*. But the ſecond propoſition clears away your own difficulties, and reſtores the jury to all their judicial capacities. * You make the competence of the court to depend upon the legality of the deciſion. In the firſt inſtance, you deny the power abſolutely. In the ſecond, you admit the power, provided it be legally exerciſed. Now, my Lord, without pretending to reconcile the diſtinctions of Weſtminſter-hall with the ſimple information of common ſenſe, or the integrity of fair argument, I ſhall be underſtood by your Lordſhip, when I aſſert, that, if a jury, or any other court of judicature (for jurors are judges) have no right to enter into a cauſe or queſtion of law, it ſignifies nothing whether their deciſion be or be not according to law. Their deciſion is in itſelf a mere nullity: the parties are not bound to ſubmit to it; and, if the jury run any riſk of puniſhment, it is not for pronouncing a corrupt or illegal verdict, but for the illegality of meddling with a point on which they have no legal authority to decide. †

I cannot quit this ſubject, without reminding your Lordſhip of the name of Mr. Benſon. Without offering any legal objections, you ordered a ſpecial juryman to be ſet aſide in a cauſe where the King was

* Directly the reverſe of the doctrine he conſtantly maintained in the houſe of lords, and elſewhere, upon the deciſion of the Middleſex election. He invariably aſſerted, that the deciſion muſt be *legal*, becauſe the court was *competent*; and never could be prevailed on to enter farther into the queſtion.

† Theſe iniquitous proſecutions coſt the beſt of princes ſix thouſand pounds, and ended in the total defeat and diſgrace of the proſecutors. In the courſe of one of them, Judge Aſton had the unparalleled impudence to tell Mr. Morris (a gentleman of unqueſtionable honour and integrity, and who was then giving his evidence on oath) that *he ſhould pay very little regard to any affidavit he ſhould make.*

was profecutor. The novelty of the fact required explanation. Will you condeſcend to tell the world, by what law or cuſtom you were authoriſed to make a peremptory challenge of a juryman? The parties indeed have this power; and perhaps your Lordſhip, having accuſtomed yourſelf to unite the characters of judge and party, may claim it in virtue of the new capacity you have aſſumed, and profit by your own wrong. The time, within which you might have been puniſhed for this daring attempt to pack a jury, is, I fear, elapſed; but no length of time ſhall eraſe the record of it.

The miſchiefs you have done this country are not confined to your interpretation of the laws. You are a miniſter, my Lord; and, as ſuch, have long been conſulted. Let us candidly examine what uſe you have made of your miniſterial influence. I will not deſcend to little matters, but come at once to thoſe important points on which your reſolution was waited for, on which the expectation of your opinion kept a great part of the nation in ſuſpenſe. A conſtitutional queſtion ariſes upon a declaration of the law of parliament, by which the freedom of election and the birthright of the ſubject were ſuppoſed to have been invaded. The King's ſervants are accuſed of violating the conſtitution. The nation is in a ferment. The ableſt men of all parties engage in the queſtion, and exert their utmoſt abilities in the diſcuſſion of it. What part has the honeſt Lord Mansfield acted? As an eminent judge of the law, his opinion would have been reſpected. As a peer, he had a right to demand an audience of his Sovereign, and inform him, that his miniſters were purſuing unconſtitutional meaſures. Upon other occaſions, my Lord, you have no difficulty of finding your way into the cloſet. The pretended neutrality

of

of belonging to no party, will not ſave your reputation. In queſtions merely political, an honeſt man may ſtand neuter. But the laws and conſtitution are the general property of the ſubject; not to defend is to relinquiſh;—and who is there ſo ſenſeleſs as to renounce his ſhare in a common benefit, unleſs he hopes to profit by a new diviſion of the ſpoil? As a lord of parliament, you were repeatedly called upon to condemn or defend the new law declared by the houſe of commons. You affected to have ſcruples, and every expedient was attempted to remove them. The queſtion was propoſed and urged to you in a thouſand different ſhapes. Your prudence ſtill ſupplied you with evaſion; your reſolution was invincible. For my own part, I am not anxious to penetrate this ſolemn ſecret. I care not to whoſe wiſdom it is intruſted, nor how ſoon you carry it with you to your grave. * You have betrayed your opinion by the very care you have taken to conceal it. It is not from Lord Mansfield that we expect any reſerve in declaring his real ſentiments in favour of government, or in oppoſition to the people; nor is it difficult to account for the motions of a timid, diſhoneſt heart, which neither has virtue enough to acknowledge truth, nor courage to contradict it. Yet you continue to ſupport an adminiſtration which you know is univerſally odious, and which, on ſome occaſions, you yourſelf ſpeak of with contempt. You would fain be thought to take no ſhare in government, while, in reality, you are the main ſpring of the machine. Here too we trace the *little*, prudential policy of a Scotſman. Inſtead of acting that open

* He ſaid, in the houſe of lords, that he believed he ſhould carry his opinion with him to the grave. It was afterwards reported, that he had intruſted it, in ſpecial confidence, to the ingenious Duke of Cumberland.

open, generous part, which becomes your rank and ſtation, you meanly ſkulk into the cloſet, and give your Sovereign ſuch advice as you have not ſpirit to avow or defend. You ſecretly engroſs the power, while you decline the title, of miniſter; and though you dare not be Chancellor, you know how to ſecure the emoluments of the office. Are the ſeals to be for ever in commiſſion, that you may enjoy five thouſand pounds a year? I beg pardon, my Lord;—your fears have interpoſed at laſt, and forced you to reſign. The odium of continuing ſpeaker of the houſe of lords, upon ſuch terms, was too formidable to be reſiſted. What a multitude of bad paſſions are forced to ſubmit to a conſtitutional infirmity! But though you have relinquiſhed the ſalary, you ſtill aſſume the rights of a miniſter. Your conduct, it ſeems, muſt be defended in parliament. For what other purpoſe is your wretched friend, that miſerable ſerjeant, poſted to the houſe of commons? Is it in the abilities of Mr. Lee to defend the great Lord Mansfield? or is he only the punch of the puppet-ſhew, to ſpeak as he is prompted by the CHIEF JUGGLER behind the curtain? *

In public affairs, my Lord, cunning, let it be ever ſo well wrought, will not conduct a man honourably through life. Like bad money, it may be current for a time, but it will ſoon be cried down. It cannot conſiſt with a liberal ſpirit, though it be ſometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am ſincere. I feel for human nature, when I ſee a man, ſo gifted as you are, deſcend to ſuch vile practices. Yet do not ſuffer your vanity to conſole you too ſoon.

* This paragraph gagged poor *Lee*. I am really concerned for the man, and wiſh it were poſſible to open his mouth. He is a very pretty orator.

Believe me, my good Lord, you are not admired in the ſame degree in which you are deteſted. It is only the partiality of your friends, that balances the defects of your heart with the ſuperiority of your underſtanding. No learned man, even among your own tribe, thinks you qualified to preſide in a court of common law. Yet it is confeſſed, that, under *Juſtinian*, you might have made an incomparable *Prætor*. It is remarkable enough, but I hope not ominous, that the laws you underſtand beſt, and the judges you affect to admire moſt, flouriſhed in the decline of a great empire, and are ſuppoſed to have contributed to its fall.

Here, my Lord, it may be proper for us to pauſe together. It is not for my own ſake that I wiſh you to conſider the delicacy of your ſituation. Beware how you indulge the firſt emotions of your reſentment. This paper is delivered to the world, and cannot be recalled. The proſecution of an innocent printer cannot alter facts, nor refute arguments. Do not furniſh me with farther materials againſt yourſelf. An honeſt man, like the true religion, appeals to the underſtanding, or modeſtly confides in the internal evidence of his conſcience. The impoſtor employs force inſtead of argument, impoſes ſilence where he cannot convince, and propagates his character by the ſword. JUNIUS.

LETTER XLII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JAN. 30, 1771.

IF we recollect in what manner the *King's friends* have been conſtantly employed, we ſhall have no reaſon to be ſurpriſed at any condition of diſgrace to

to which the once-reſpected name of Engliſhmen may be degraded. His Majeſty has no cares, but ſuch as concern the laws and conſtitution of this country. In his Royal breaſt there is no room left for reſentment, no place for hoſtile ſentiments againſt the natural enemies of his crown. The ſyſtem of government is uniform. Violence and oppreſſion at home can only be ſupported by treachery and ſubmiſſion abroad. When the civil rights of the people are daringly invaded on one ſide, what have we to expect, but that their political rights ſhould be deſerted and betrayed, in the ſame proportion, on the other? The plan of domeſtic policy which has been invariably purſued from the moment of his preſent Majeſty's acceſſion, engroſſes all the attention of his ſervants. They know that the ſecurity of their places depends upon their maintaining, at any hazard, the ſecret ſyſtem of the cloſet. A foreign war might embarraſs, an unfavourable event might ruin, the miniſter, and defeat the deep-laid ſcheme of policy to which he and his aſſociates owe their employments. Rather than ſuffer the execution of that ſcheme to be delayed or interrupted, the King has been adviſed to make a public ſurrender, a ſolemn ſacrifice, in the face of all Europe, not only of the intereſts of his ſubjects, but of his own perſonal reputation, and of the dignity of that crown which his predeceſſors have worn with honour. Theſe are ſtrong terms, Sir, but they are ſupported by fact and argument.

The King of Great-Britain has been for ſome years in poſſeſſion of an iſland, to which, as the miniſtry themſelves have repeatedly aſſerted, the Spaniards had no claim of right. The importance of the place is not in queſtion. If it were, a better judgment might be formed of it from the opinion of

Anſon and Lord Egmont, and from the anxiety of the Spaniards, than from any fallacious inſinuations thrown out by men whoſe intereſt it is to undervalue that property which they are determined to relinquiſh. The pretenſions of Spain were a ſubject of negociation between the two courts. They had been diſcuſſed, but not admitted. The King of Spain, in theſe circumſtances, bids adieu to amicable negociation, and appeals directly to the ſword. The expedition againſt Port Egmont does not appear to have been a ſudden, ill-concerted enterpriſe. It ſeems to have been conducted not only with the uſual military precautions, but in all the forms and ceremonies of war. A frigate was firſt employed to examine the ſtrength of the place. A meſſage was then ſent, demanding immediate poſſeſſion, in the Catholic King's name, and ordering our people to depart. At laſt a military force appears, and compels the garriſon to ſurrender. A formal capitulation enſues; and his Majeſty's ſhip, which might at leaſt have been permitted to bring home his troops immediately, is detained in port twenty days, and her rudder forcibly taken away. This train of facts carries no appearance of the raſhneſs or violence of a Spaniſh governor. On the contrary, the whole plan ſeems to have been formed and executed, in conſequence of deliberate orders and a regular inſtruction from the Spaniſh court. Mr. Buccarelli is not a pirate, nor has he been treated as ſuch by thoſe who employed him. I feel for the honour of a gentleman, when I affirm, that our King owes him a ſignal reparation. Where will the humiliation of this country end? A King of Great-Britain, not contented with placing himſelf upon a level with a Spaniſh governor, deſcends ſo low as to do a notorious injuſtice to that governor. As a ſalvo for his own reputation,

putation, he has been adviſed to traduce the character of a brave officer, and to treat him as a common robber, when he knew with certainty that Mr. Buccarelli had acted in obedience to his orders, and had done no more than his duty. Thus it happens in private life, with a man who has no ſpirit nor ſenſe of honour. One of his equals orders a ſervant to ſtrike him. Inſtead of returning the blow to the maſter, his courage is contented with throwing an aſperſion, equally falſe and public, upon the character of the ſervant.

This ſhort recapitulation was neceſſary to introduce the conſideration of his Majeſty's ſpeech of 13th November, 1770, and the ſubſequent meaſures of government. The exceſſive caution with which the ſpeech was drawn up, had impreſſed upon me an early conviction, that no ſerious reſentment was thought of, and that the concluſion of the buſineſs, whenever it happened, muſt, in ſome degree, be diſhonourable to England. There appears through the whole ſpeech a guard and reſerve in the choice of expreſſion, which ſhows how careful the miniſtry were not to embarraſs their future projects by any firm or ſpirited declaration from the throne. When all hopes of peace are loſt, his Majeſty tells his parliament, that he is preparing—not for barbarous war, but (with all his mother's ſoftneſs) *for a different ſituation*. An open hoſtility, authoriſed by the Catholic King, is called *an act of a governor*. This act, to avoid the mention of a regular ſiege and ſurrender, paſſes under the piratical deſcription of *ſeizing by force*; and the thing taken is deſcribed, not as a part of the King's territory or proper dominion, but merely as a *poſſeſſion*, a word expreſsly choſen in contradiſtinction to and excluſion of the idea of *right*, and to prepare us for a future ſurrender both of the right

and of the poſſeſſion. Yet this ſpeech, Sir, cautious and equivocal as it is, cannot, by any ſophiſtry, be accommodated to the meaſures which have ſince been adopted. It ſeemed to promiſe, that whatever might be given up by ſecret ſtipulation, ſome care would be taken to ſave appearances to the public. The event ſhows us, that to depart, in the minuteſt article, from the nicety and ſtrictneſs of punctilio, is as dangerous to national honour as to female virtue. The woman, who admits of one familiarity, ſeldom knows where to ſtop, or what to refuſe; and when the counſels of a great country give way in a ſingle inſtance—when they once are inclined to ſubmiſſion, every ſtep accelerates the rapidity of the deſcent. The miniſtry themſelves, when they framed the ſpeech, did not foreſee, that they ſhould ever accede to ſuch an accommodation as they have ſince adviſed their maſter to accept of.

The King ſays, *The honour of my crown and the rights of my people are deeply affected.* The Spaniard, in his reply, ſays, *I give you back poſſeſſion; but I adhere to my claim of prior right, reſerving the aſſertion of it for a more favourable opportunity.*

The ſpeech ſays, *I made an immediate demand of ſatisfaction; and, if that fails, I am prepared to do myſelf juſtice.* This immediate demand muſt have been ſent to Madrid on the 12th of September, or in a few days after. It was certainly refuſed, or evaded, and the King has not done himſelf juſtice. When the firſt magiſtrate ſpeaks to the nation, ſome care ſhould be taken of his apparent veracity.

The ſpeech proceeds to ſay, *I ſhall not diſcontinue my preparations until I have received proper reparation for the injury.* If this aſſurance may be relied on, what an enormous expence is entailed, *ſine die*, upon this unhappy country! Reſtitution of a poſſeſſion, and

and reparation of an injury, are as different in ſubſtance as they are in language. The very act of reſtitution may contain, as in this inſtance it palpably does, a ſhameful aggravation of the injury. A man of ſpirit does not meaſure the degree of an injury by the mere poſitive damage he has ſuſtained. He conſiders the principle on which it is founded; he reſents the ſuperiority aſſerted over him; and rejects with indignation the claim of right, which his adverſary endeavours to eſtabliſh, and would force him to acknowledge.

The motives on which the Catholic King makes reſtitution are, if poſſible, more inſolent and diſgraceful to our Sovereign than even the declaratory condition annexed to it. After taking four months to conſider whether the expedition was undertaken by his own orders or not, he condeſcends to diſavow the enterprize, and to reſtore the iſland;—not from any regard to juſtice—not from any regard he bears to his Britannic Majeſty; but merely *from the perſuaſion, in which he is, of the pacific ſentiments of the King of Great Britain.*—At this rate, if our King had diſcovered the ſpirit of a man—if he had made a peremptory demand of ſatisfaction, the King of Spain would have given him a peremptory refuſal. But why this unſeaſonable, this ridiculous mention of the King of Great Britain's pacific intentions? Have they ever been in queſtion? Was *He* the agreſſor? Does he attack foreign powers without provocation? Does he even reſiſt, when he is inſulted? No, Sir; if any ideas of ſtrife or hoſtility have entered his royal mind, they have a very different direction. The enemies of England have nothing to fear from them.

After all, Sir, to what kind of diſavowal has the King of Spain at laſt conſented? Suppoſing it made in proper time, it ſhould have been accompanied with inſtant

inſtant reſtitution; and, if Mr. Buccarelli acted without orders, he deſerved death. Now, Sir, inſtead of immediate reſtitution, we have a four months negociation; and the officer, whoſe act is diſavowed, returns to court, and is loaded with honours.

If the actual ſituation of Europe be conſidered, the treachery of the King's ſervants, particularly of Lord North, who takes the whole upon himſelf, will appear in the ſtrongeſt colours of aggravation. Our allies were maſters of the Mediterranean. The King of France's preſent averſion from war, and the diſtraction of his affairs, are notorious. He is now in a ſtate of war with his people. In vain did the Catholic King ſolicit him to take part in the quarrel againſt us. His finances were in the laſt diſorder, and it was probable that his troops might find ſufficient employment at home. In theſe circumſtances, we might have dictated the law to Spain. There are no terms to which ſhe might not have been compelled to ſubmit. At the worſt, a war with Spain alone carries the faireſt promiſe of advantage. One good effect at leaſt would have been immediately produced by it. The deſertion of France would have irritated her ally, and in all probability have diſſolved the family compact. The ſcene is now fatally changed. The advantage is thrown away. The moſt favourable opportunity is loſt.—Hereafter we ſhall know the value of it. When the French King is reconciled to his ſubjects; when Spain has completed her preparations; when the collected ſtrength of the Houſe of Bourbon attacks us at once; the King himſelf will be able to determine upon the wiſdom or imprudence of his preſent conduct. As far as the probability of argument extends, we may ſafely pronounce, that a conjuncture, which threatens the very being of this country, has been wilfully prepared and forwarded by our own miniſtry. How far the

the people may be animated to reſiſtance under the preſent adminiſtration, I know not; but this I know with certainty, that, under the preſent adminiſtration, or if any thing like it ſhould continue, it is of very little moment whether we are a conquered nation or not.*

Having travelled thus far in the high road of matter of fact, I may now be permitted to wander a little into the field of imagination. Let us baniſh from our minds the perſuaſion that theſe events have really happened in the reign of the beſt of princes. Let us conſider them as nothing more than the materials of a fable, in which we may conceive the Sovereign of ſome other country to be concerned. I mean to violate all the laws of probability, when I ſuppoſe, that this imaginary King, after having voluntarily diſgraced himſelf in the eyes of his ſubjects, might return to a ſenſe of his diſhonour;—that he might perceive the ſnare laid for him by his miniſters, and feel a ſpark of ſhame kindling in his breaſt.—The part he muſt then be obliged to act, would overwhelm him with confuſion. To his parliament he muſt ſay, *I called you together to receive your advice, and have never aſked your opinion.*—To the merchant, *I have*

* The King's acceptance of the Spaniſh Ambaſſador's declaration, is drawn up in barbarous French, and ſigned by the Earl of Rochford. This diplomatic Lord has ſpent his life in the ſtudy and practice of *Etiquettes*, and is ſuppoſed to be a profound maſter of the ceremonies. I will not inſult him by any reference to grammar or common ſenſe; if he were even acquainted with the common forms of his office, I ſhould think him as well qualified for it as any man in his Majeſty's ſervice.—The reader is requeſted to obſerve Lord Rochford's method of authenticating a public inſtrument. "En foi de quoi, *moi* ſouſſigné, un des principaux Secre-"taires d' Etat S. M. B. *ai* ſigné la preſente de ma ſignature ordi-"naire, et ici le fait appoſer le cachet de *nos* Armes."—In three lines there are no leſs than ſeven falſe concords. But the man does not even know the ſtile of his office.—If he had known it, he would have ſaid, "*nous*, ſouſſigné Secretaire d'Etat de S. M. B. "*avous* ſigné, *&c.*"

—I have diſtreſſed your commerce: I have dragged your ſeamen out of your ſhips; I have loaded you with a grievous weight of inſurances.—To the landholder, *—I told you war was too probable, when I was determined to ſubmit to any terms of accommodation; I extorted new taxes from you before it was poſſible they could be wanted, and am now unable to account for the application of them.* —To the public creditor,—*I have delivered up your fortunes a prey to foreigners and to the vileſt of your fellow-ſubjects.* Perhaps this repenting prince might conclude with one general acknowledgment to them all:—*I have involved every rank of my ſubjects in anxiety and diſtreſs; and have nothing to offer you in return, but the certainty of national diſhonour, an armed truce, and peace without ſecurity.*

If theſe accounts were ſettled, there would ſtill remain an apology to be made to his navy and to his army. To the firſt he would ſay, *You were once the terror of the world. But go back to your harbours. A man diſhonoured as I am, has no uſe for your ſervice.* It is not probable that he would appear again before his ſoldiers, even in the pacific ceremony of a review*. But wherever he appeared, the humiliating confeſſion would be extorted from him; *I have received a blow—and had not ſpirit to reſent it. I demanded ſatisfaction; and have accepted a declaration in which the right to ſtrike me again is aſſerted and confirmed.* His countenance at leaſt would ſpeak this language, and even his guards would bluſh for him.

But to return to our argument.—The miniſtry, it ſeems, are labouring to draw a line of diſtinction between the honour of the crown and the rights of the people. This new idea has yet been only ſtarted in diſcourſe; for in effect both objects have been equally

* A miſtake. He appears before them every day, with the mark of a blow upon his face.—*Prob pudor!*

equally ſacrificed. I neither underſtand the diſtinction, nor what uſe the miniſtry propoſe to make of it. The King's honour is that of his people. *Their* real honour and real intereſt are the ſame.—I am not contending for a vain punctilio. A clear, unblemiſhed character comprehends, not only the integrity that will not offer, but the ſpirit that will not ſubmit to, an injury; and whether it belongs to an individual or to a community, it is the foundation of peace, of independence, and of ſafety. Private credit is wealth; —public honour is ſecurity.—The feather that adorns the royal bird ſupports his flight. Strip him of his plumage, and you fix him to the earth.

JUNIUS.

LETTER XLIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, FEB. 6, 1771.

I HOPE your correſpondent *Junius* is better employed than in anſwering or reading the criticiſms of a newſpaper. This is a taſk from which, if he were inclined to ſubmit to it, his friends ought to relieve him. Upon this principle I ſhall undertake to anſwer Anti-Junius; more, I believe, to his conviction than to his ſatisfaction. Not daring to attack the main body of *Junius*'s laſt letter, he triumphs in having, as he thinks, ſurpriſed an out-poſt, and cut off a detached argument, a mere ſtraggling propoſition. But even in this petty warfare he ſhall find himſelf defeated.

Junius does not ſpeak of the Spaniſh *nation* as the *natural enemies* of England. He applies that deſcription, with the ſtricteſt truth and juſtice, to the Spaniſh *Court*. From the moment when a prince of the Houſe of Bourbon aſcended that throne, their whole ſyſtem

ſyſtem of government was inverted, and became hoſtile to this country. Unity of poſſeſſion introduced an unity of politics; and Lewis the fourteenth had reaſon when he ſaid to his grandſon, "*The Pyrenees are removed.*" The hiſtory of the preſent century is one continued confirmation of the prophecy.

The aſſertion "*That violence and oppreſſion at home* "*can only be ſupported by treachery and ſubmiſſion* "*abroad,*" is applied to a free people whoſe rights are invaded, not to the government of a country where deſpotic or abſolute power is confeſſedly veſted in the prince; and with this application, the aſſertion is true. An abſolute monarch, having no points to carry at home, will naturally maintain the honour of his crown in all his tranſactions with foreign powers: But if we could ſuppoſe the Sovereign of a free nation, poſſeſſed with a deſign to make himſelf abſolute, he would be inconſiſtent with himſelf, if he ſuffered his projects to be interrupted or embarraſſed by a foreign war, unleſs that war tended, as in ſome caſes it might, to promote his principal deſign. Of the three exceptions to this general rule of conduct, (quoted by Anti-Junius) that of Oliver Cromwell is the only one in point. Harry the Eighth, by the ſubmiſſion of his parliament, was as abſolute a prince as Lewis the fourteenth. Queen Elizabeth's government was not oppreſſive to the people; and as to her foreign wars, it ought to be conſidered that they were *unavoidable*. The national honour was not in queſtion: She was compelled to fight in defence of her own perſon and of her title to the crown. In the common cauſe of ſelfiſh policy, Oliver Cromwell ſhould have cultivated the friendſhip of foreign powers, or at leaſt have avoided diſputes with them, the better to eſtabliſh his tyranny at home. Had he been only a bad man, he would have ſacrificed the honour of the nation to the ſucceſs of his domeſtic policy.

policy. But, with all his crimes, he had the ſpirit of an Engliſhman. The conduct of ſuch a man muſt always be an exception to vulgar rules. He had abilities ſufficient to reconcile contradictions, and to make a great nation at the ſame moment unhappy and formidable. If it were not for the reſpect I bear the miniſter, I could name a man, who, without one grain of underſtanding, can do half as much as Oliver Cromwell.

Whether or no there be a *ſecret ſyſtem* in the cloſet, and what may be the object of it, are queſtions which can only be determined by appearances, and on which every man muſt decide for himſelf.

The whole plan of *Junius*'s letter proves, that he himſelf makes no diſtinction between the real honour of the crown and the real intereſt of the people. In the climax to which your correſpondent objects, *Junius* adopts the language of the Court, and by that conformity gives ſtrength to his argument. He ſays, that "*the King has not only ſacrificed the intereſts of* "*his people, but* (what was likely to touch him more "nearly) *his perſonal reputation and the dignity of his* "*crown.*"

The queries put by *Anti-Junius* can only be anſwered by the miniſtry. Abandoned as they are, I fancy they will not confeſs that they have, for ſo many years, maintained poſſeſſion of another man's property. After admitting the aſſertion of the miniſtry—viz. *that the Spaniards had no rightful claim*, and after juſtifying them for ſaying ſo;—it is *his* buſineſs, not *mine*, to give us ſome good reaſon for their *ſuffering the pretenſions of Spain to be a ſubject of negociation.* He admits the facts;—let him reconcile them if he can.

The laſt paragraph brings us back to the original queſtion, Whether the Spaniſh declaration contains ſuch a ſatisfaction as the King of Great-Britain ought

to have accepted. This was the field upon which he ought to have encountered *Junius* openly and fairly. But here he leaves the argument, as no longer defenſible. I ſhall therefore conclude with one general admonition to my fellow-ſubjects: That when they hear theſe matters debated, they ſhould not ſuffer themſelves to be miſled by general declamations upon the conveniences of peace, or the miſeries of war. Between peace and war, abſtractedly, there is not, there cannot, be a queſtion in the mind of a rational being. The real queſtions are, *Have we any ſecurity, that the peace we have ſo dearly purchaſed will laſt a twelvemonth?* and if not—*Have we, or have we not, ſacrificed the faireſt opportunity of making war with advantage?* PHILO JUNIUS.

LETTER XLIV.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, APRIL 22, 1771.

TO write for profit, without taxing the preſs; to write for fame, and to be unknown; to ſupport the intrigues of faction, and to be diſowned, as a dangerous auxiliary, by every party in the kingdom; are contradictions which the miniſter muſt reconcile, before I forfeit my credit with the public. I may quit the ſervice, but it would be abſurd to ſuſpect me of deſertion. The reputation of theſe papers is an honourable pledge for my attachment to the people. To ſacrifice a reſpected character, and to renounce the eſteem of ſociety, requires more than Mr. Wedderburne's reſolution; and though in him it was rather a profeſſion than a deſertion of his principles (I ſpeak tenderly of this gentleman, for when treachery is in queſtion, I think we ſhould make allowances

ſowances for a Scotchman) yet we have ſeen him in the houſe of commons overwhelmed with confuſion, and almoſt bereft of his faculties. But in truth, Sir, I have left no room for an accommodation with the piety of St. James's. My offences are not to be redeemed by recantation or repentance. On one ſide, our warmeſt patriots would diſclaim me as a burthen to their honeſt ambition. On the other, the vileſt proſtitution, if *Junius* could deſcend to it, would loſe its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The perſons who, till within theſe few years, have been moſt diſtinguiſhed by their zeal for high-church and prerogative, are now, it ſeems, the great aſſertors of the privileges of the houſe of commons. This ſudden alteration of their ſentiments or language, carries with it a ſuſpicious appearance. When I hear the undefined privileges of the popular branch of the legiſlature exalted by Tories and Jacobites, at the expence of thoſe ſtrict rights, which are known to the ſubject, and limited by the laws, I cannot but ſuſpect, that ſome miſchievous ſcheme is in agitation, to deſtroy both law and privilege, by oppoſing them to each other. They who have uniformly denied the power of the whole legiſlature to alter the deſcent of the crown, and whoſe anceſtors, in rebellion againſt his Majeſty's family, have defended that doctrine at the hazard of their lives, now tell us, that privilege of parliament is the only rule of right, and the chief ſecurity of the public freedom. I fear, Sir, that while forms remain, there has been ſome material change in the ſubſtance of our conſtitution. The opinions of theſe men were too abſurd to be ſo eaſily renounced. Liberal minds are open to conviction. Liberal doctrines are capable of improvement. There are proſelytes from atheiſm, but none from ſuperſti-

tion. If their preſent profeſſions were ſincere, I think they could not but be highly offended at ſeeing a queſtion, concerning parliamentary privilege, unneceſſarily ſtarted at a ſeaſon ſo unfavourable to the houſe of commons, and by ſo very mean and inſignificant a perſon as the minor *Onſlow*. They knew, that the preſent houſe of commons, having commenced hoſtilities with the people, and degraded the authority of the laws by their own example, were likely enough to be reſiſted *per fas et nefas*. If they were really friends to privilege, they would have thought the queſtion of right too dangerous to be hazarded at this ſeaſon, and, without the formality of a convention, would have left it undecided.

I have been ſilent hitherto; though not from that ſhameful indifference about the intereſts of ſociety which too many of us profeſs, and call moderation. I confeſs, Sir, that I felt the prejudices of my education, in favour of a houſe of commons, ſtill hanging about me. I thought that a queſtion, between law and privilege, could never be brought to a formal deciſion, without inconvenience to the public ſervice, or a manifeſt diminution of legal liberty;—that it ought therefore to be carefully avoided: and when I ſaw that the violence of the houſe of commons had carried them too far to retreat, I determined not to deliver a haſty opinion upon a matter of ſo much delicacy and importance.

The ſtate of things is much altered in this country ſince it was neceſſary to protect our repreſentatives againſt the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the intereſt of the people, that the privileges of parliament ſhould be left unlimited and undefined. At preſent, it is not only their intereſt, but I hold it to be eſſentially neceſſary to the preſervation of the conſtitution,

ſtitution, that the privileges of parliament ſhould be ſtrictly aſcertained, and confined within the narroweſt bounds the nature of their inſtitution will admit of. Upon the ſame principle on which I would have reſiſted prerogative in the laſt century, I now reſiſt privilege. It is indifferent to me, whether the crown, by its own immediate act, impoſes new, and diſpenſes with old laws; or whether the ſame arbitrary power produces the ſame effects through the medium of the houſe of commons. We truſted our repreſentatives with privileges for their own defence and ours. We cannot hinder their deſertion, but we can prevent their carrying over their arms to the ſervice of the enemy. It will be ſaid, that I begin with endeavouring to reduce the argument concerning privilege to a mere queſtion of convenience;—that I deny at one moment what I would allow at another; and that to reſiſt the power of a proſtituted houſe of commons, may eſtabliſh a precedent injurious to all future parliaments. To this I anſwer generally, that human affairs are in no inſtance governed by ſtrict poſitive right. If change of circumſtances were to have no weight in directing our conduct and opinions, the mutual intercourſe of mankind would be nothing more than a contention between poſitive and equitable right. Society would be a ſtate of war, and law itſelf would be injuſtice. On this general ground, it is highly reaſonable that the degree of our ſubmiſſion to privileges which have never been defined by any poſitive law, ſhould be conſidered as a queſtion of convenience, and proportioned to the confidence we repoſe in the integrity of our repreſentatives. As to the injury we may do to any future and more reſpectable houſe of commons, I own I am not now ſanguine enough to expect a more plentiful harveſt of parliamentary virtue in one year than other. Our political climate is

ſeverely altered; and without dwelling upon the depravity of modern times, I think no reaſonable man will expect, that, as human nature is conſtituted, the enormous influence of the crown ſhould ceaſe to prevail over the virtue of individuals. The miſchief lies too deep to be cured by any remedy, leſs than ſome great convulſion, which may either carry back the conſtitution to its original principles, or utterly deſtroy it. I do not doubt, that, in the firſt ſeſſion after the next election, ſome popular meaſures may be adopted. The preſent houſe of commons have injured themſelves by a too early and public profeſſion of their principles; and if a ſtrain of proſtitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too ſoon. But, after all, Sir, it is very immaterial whether a houſe of commons ſhall preſerve their virtue for a week, a month, or a year. The influence, which makes a ſeptennial parliament dependent upon the pleaſure of the crown, has a permanent operation, and cannot fail of ſucceſs. My premiſes, I know, will be denied in argument; but every man's conſcience tells him they are true. It remains then to be conſidered, whether it be for the intereſt of the people, that privilege of parliament (which, * in reſpect to the purpoſes for which it has hitherto been acquieſced under, is merely nominal) ſhould be contracted within ſome certain limits? or whether the ſubject ſhall be left at the mercy of a power

* The neceſſity of ſecuring the houſe of commons againſt the King's power, ſo that no interruption might be given either to the attendance of the members in parliament, or to the freedom of debate, was the foundation of parliamentary privilege; and we may obſerve, in all the addreſſes of new-appointed Speakers to the Sovereign, the utmoſt privilege they demand is liberty of ſpeech and freedom from arreſts. The very word *privilege* means no more than immunity, or a ſafeguard to the party who poſſeſſes it, and can never be conſtrued into an active power of invading the rights of others.

power, arbitrary upon the face of it, and notoriously under the direction of the crown?

I do not mean to decline the queſtion of *right*: on the contrary, Sir, I join iſſue with the advocates for privilege; and affirm, that, "excepting the caſes "wherein the houſe of commons are a court of judi- "cature (to which, from the nature of their office, "a coercive power muſt belong) and excepting ſuch "contempts as immediately interrupt their proceed- "ings, they have no legal authority to impriſon any "man for any ſuppoſed violation of privilege what- "ſoever."—It is not pretended, that privilege, as now claimed, has ever been defined or confirmed by ſtatute; neither can it be ſaid, with any colour of truth, to be a part of the common law of England, which had grown into preſcription long before we knew any thing of the exiſtence of a houſe of commons. As for the law of parliament, it is only another name for the privilege in queſtion; and ſince the power of creating new privileges has been formally renounced by both houſes—ſince there is no code in which we can ſtudy the law of parliament, we have but one way left to make ourſelves acquainted with it—that is, to compare the nature of the inſtitution of a houſe of commons with the facts upon record. To eſtabliſh a claim of privilege in either houſe, and to diſtinguiſh original right from uſurpation, it muſt appear, that it is indiſpenſibly neceſſary for the performance of the duty they are employed in, and alſo that it has been uniformly allowed. From the firſt part of this deſcription, it follows clearly, that whatever privilege does of right belong to the preſent houſe of commons, did equally belong to the firſt aſſembly of their predeceſſors; was as completely veſted in them, and might have been exerciſed in the ſame extent. From the ſecond, we muſt infer, that privileges, which for ſeveral centuries were not only never

never allowed, but never even claimed by the houſe of commons, muſt be founded upon uſurpation. The conſtitutional duties of a houſe of commons are not very complicated nor myſterious. They are to propoſe or aſſent to wholeſome laws for the benefit of the nation. They are to grant the neceſſary aids to the king; petition for the redreſs of grievances; and proſecute treaſon or high crimes againſt the ſtate. If unlimited privilege be neceſſary to the performance of theſe duties, we have reaſon to conclude, that for many centuries after the inſtitution of the houſe of commons, they were never performed. I am not bound to prove a negative; but I appeal to the Engliſh hiſtory, when I affirm, that, with the exceptions already ſtated (which yet I might ſafely relinquiſh) there is no precedent from the year 1205 to the death of Queen Elizabeth, of the houſe of commons having impriſoned any man (not a member of their houſe) for contempt or breach of privilege. In the moſt flagrant caſes, and when their acknowledged privileges were moſt groſsly violated, the *poor Commons*, as they then ſtiled themſelves, never took the power of puniſhment into their own hands. They either ſought redreſs by petition to the King, or, what is more remarkable, applied for juſtice to the houſe of lords; and when ſatisfaction was denied them or delayed, their only remedy was to refuſe proceeding upon the King's buſineſs. So little conception had our anceſtors of the monſtrous doctrines now maintained concerning privilege, that, in the reign of Elizabeth, even liberty of ſpeech, the vital principle of a deliberative aſſembly, was reſtrained by the Queen's authority to a ſimple *aye* or *no*; and this reſtriction, though impoſed upon three ſucceſſive parliaments,* was never once diſputed by the houſe of commons.

I know

* In the year 1593—1597—and 1601.

I know there are many precedents of arbitrary commitments for contempt: but, beſides that they are of too modern a date to warrant a preſumption that ſuch a power was originally veſted in the houſe of commons—*fact* alone does not conſtitute *right*. —If it does, general warrants were lawful.—An ordinance of the two houſes has a force equal to law; and the criminal juriſdiction aſſumed by the Commons in 1621, in the caſe of Edward Lloyd, is a good precedent to warrant the like proceedings againſt any man, who ſhall unadviſedly mention the folly of a King, or the ambition of a princeſs.——The truth is, Sir, that the greateſt and moſt exceptionable part of the privileges now contended for, were introduced and aſſerted by a houſe of commons which aboliſhed both monarchy and peerage, and whoſe proceedings, although they ended in one glorious act of ſubſtantial juſtice, could no way be reconciled to the forms of the conſtitution. Their ſucceſſors profited by the example, and confirmed their power by a moderate or proper uſe of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If, however, it could be proved, from conſiderations of neceſſity or convenience, that an unlimited power of commitment ought to be intruſted to the houſe of commons, and that *in fact* they have exerciſed it without oppoſition, ſtill, in contemplation of law, the preſumption is ſtrongly againſt them. It is a leading maxim of the laws of England (and without it all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal courſe to carry it into effect. Let the power now in queſtion be tried by this rule. The ſpeaker iſſues his warrant of attachment. The party attached either reſiſts force with force, or appeals to a magiſtrate, who declares the warrant illegal, and diſcharges the

the priſoner. Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law-books to aſſert and vindicate the authority of ſo high a court as the houſe of commons? The queſtion is anſwered directly by the fact. Their unlawful commands are reſiſted, and they have no remedy. The impriſonment of their own members is revenge indeed, but it is no aſſertion of the privilege they contend for*. Their whole proceeding ſtops; and there they ſtand, aſhamed to retreat, and unable to advance. Sir, theſe ignorant men ſhould be informed, that the execution of the laws of England is not left in this uncertain, defenceleſs condition. If the proceſs of the courts of Weſtminſter-hall be reſiſted, they have a direct courſe ſufficient to enforce ſubmiſſion. The court of King's-bench commands the ſheriff to raiſe the *poſſe comitatus*. The courts of Chancery and Exchequer iſſue a *writ of rebellion*; which muſt alſo be ſupported, if neceſſary, by the power of the county. —To whom will our honeſt repreſentatives direct *their* writ of rebellion? The guards, I doubt not, are willing enough to be employed: but they know nothing of the doctrine of writs, and may think it neceſſary to wait for a letter from Lord Barrington.

It may now be objected to me, that my arguments prove too much; for that certainly there may be inſtances of contempt and inſult to the houſe of commons, which do not fall within my own exceptions; yet, in regard to the dignity of the houſe, ought not to paſs unpuniſhed. Be it ſo.—The courts of criminal juriſdiction are open to proſecutions, which the

* Upon their own principles, they ſhould have committed Mr. Wilkes, who had been guilty of a greater offence than even the Lord Mayor or Alderman Oliver. But after repeatedly ordering him to attend, they at laſt adjourned beyond the day appointed for his attendance; and by this mean, pitiful evaſion, gave up the point.—Such is the force of conſcious guilt!

the Attorney-General may commence by information or indictment. A libel, tending to aſperſe or vilify the houſe of commons, or any of their members, may be as ſeverely puniſhed in the court of King's-bench as a libel upon the King. Mr. de Grey thought ſo, when he drew up the information upon my letter to his Majeſty, or he had no meaning in charging it to be a ſcandalous libel upon the houſe of commons. In *my* opinion, they would conſult their real dignity much better, by appealing to the laws when they are offended, than by violating the firſt principle of natural juſtice, which forbids us to be judges when we are parties to the cauſe*.

I do not mean to purſue them through the remainder of their proceedings. In their firſt reſolutions, it is poſſible they might have been deceived by ill-conſidered precedents. For the reſt, there is no colour of palliation or excuſe. They have adviſed the King to reſume a power of diſpenſing with the laws by royal proclamation†; and Kings, we ſee, are ready enough to follow ſuch advice.—By mere violence,

* "If it be demanded, in caſe a ſubject ſhould be committed by "either houſe for a matter manifeſtly out of their juriſdiction, "what remedy can he have? I anſwer, That it cannot well be "imagined, that the law, which favours nothing more than the "liberty of the ſubject, ſhould give us a remedy againſt commit-"ments by the King himſelf, appearing to be illegal, and yet give "us no manner of redreſs againſt a commitment by our fellow-"ſubjects, equally appearing to be unwarranted. But as this is a "caſe which I am perſauded will never happen, it ſeems needleſs "over-nicely to examine it."——*Hawkins*, ii. 110.——*N. B.* He was a good lawyer, but no prophet.

† That their practice might be every way conformable to their principles, the houſe proceeded to adviſe the crown to publiſh a proclamation, univerſally acknowledged to be illegal. Mr. Moreton publicly proteſted againſt it before it was iſſued; and Lord Mansfield, though not ſcrupulous to an extreme, ſpeaks of it with horror. It is remarkable enough, that the very men who adviſed the proclamation, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence; nor have they ventured to take the leaſt notice of Mr. Wilkes for diſcharging the perſons apprehended under it.

violence, and without the ſhadow of right, they have expunged the record of a judicial proceeding*. Nothing remained, but to attribute to their own vote a power of ſtopping the whole diſtribution of criminal and civil juſtice.

The public virtues of the chief magiſtrate have long ſince ceaſed to be in queſtion. But it is ſaid, that he has private good qualities; and I myſelf have been ready to acknowledge them. They are now brought to the teſt. If he loves his people, he will diſſolve a parliament which they can never confide in or reſpect. —If he has any regard for his own honour, he will diſdain to be any longer connected with ſuch abandoned proſtitution. But, if it were conceivable, that a King of this country had loſt all ſenſe of perſonal honour, and all concern for the welfare of his ſubjects, I confeſs, Sir, I ſhould be contented to renounce the forms of the conſtitution once more, if there were no other way to obtain ſubſtantial juſtice for the people†. JUNIUS.

* Lord Chatham very properly called this the act of a mob, not of a ſenate.

† When Mr. Wilkes was to be puniſhed, they made no ſcruple about the privileges of parliament; and although it was as well known as any matter of public record and uninterrupted cuſtom could be, *that the members of either houſe are privileged, except in caſe of treaſon, felony, or breach of peace*, they declared without heſitation, *that privilege of parliament did not extend to the caſe of a ſeditious libel*; and undoubtedly they would have done the ſame if Mr. Wilkes had been proſecuted for any other miſdemeanor whatſoever. The miniſtry are of a ſudden grown wonderfully careful of privileges, which their predeceſſors were as ready to invade. The known laws of the land, the rights of the ſubject, the ſanctity of charters, and the reverence due to our magiſtrates, muſt all give way, without queſtion or reſiſtance, to a privilege of which no man knows either the origin or the extent. The houſe of commons judge of their own privileges without appeal;—they may take offence at the moſt innocent action, and impriſon the perſon who offends them during their arbitrary will and pleaſure. The party has no remedy;—he cannot appeal from their juriſdiction; and if he queſtions the privilege which he is ſuppoſed to have violated, it becomes an aggravation of his offence. Surely this doctrine is not

to

LETTER XLV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MAY 1, 1771.

THEY who object to detached parts of Junius's laſt letter, either do not mean him fairly, or have not conſidered the general ſcope and courſe of his argument. There are degrees in all the private vices:—Why not in public proſtitution? The influence of the crown naturally makes a ſeptennial parliament dependent. Does it follow that every houſe of commons will plunge at once into the *loweſt depths* of proſtitution? Junius ſuppoſes, that the preſent houſe of commons, in going ſuch enormous lengths, have been *imprudent to themſelves*, as well as wicked to the public;—that their example is *not within the reach of emulation*; and that, in the firſt ſeſſion after the next election, *ſome* popular meaſures may probably be adopted. He does not expect that a diſſolution of parliament will deſtroy corruption, but that at leaſt it will be a check and terror to their ſucceſſors, who will have ſeen that, *in flagrant caſes*, their conſtituents *can* and *will* interpoſe with effect. After all, Sir, will you not endeavour to remove or alleviate the moſt dangerous ſymptoms, becauſe you cannot eradicate the diſeaſe? Will you not puniſh *treaſon* or *parricide*, becauſe the ſight of a gibbet does not prevent highway robberies? When the main argument of Junius is admitted to be unanſwerable, I think it would become the minor critic, who hunts for blemiſhes, to be a little more diſtruſtful of his own ſagacity. The other objection is hardly worth an anſwer. When Junius obſerves, that Kings are ready enough to follow *ſuch* advice,

to be found in Magna Charta. If it be admitted without limitation, I affirm that there is neither law nor liberty in this kingdom. We are the ſlaves of the houſe of commons; and, through them, we are the ſlaves of the King and his miniſters. *Anonymous.*

he does not mean to insinuate, that if the advice of parliament were good, the King would be so ready to follow it. PHILO JUNIUS.

LETTER XLVI.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MAY 22, 1771.

VERY early in the debate upon the decision of the Middlesex election, it was well observed by *Junius*, that the house of commons had not only exceeded their boasted precedent of the expulsion and subsequent incapacitation of Mr. Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr. Dyson of giving a false quotation from the journals, and having explained the purpose which that contemptible fraud was intended to answer, he proceeds to state the vote itself by which Mr. Walpole's supposed incapacity was declared—viz. "Resolved, That Robert Walpole, Esq. having been this session of parliament committed a prisoner to the Tower, and expelled this house for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was, and is, incapable of being elected a member to serve in this present parliament:"—And then observes, that, from the terms of the vote, we have no right to annex the incapacitation to the *expulsion* only; for that, as the proposition stands, it must arise equally from the expulsion and the commitment to the Tower. I believe, Sir, no man, who knows any thing of dialectics, or who understands English, will dispute the truth and fairness of this construction. But *Junius* has a great authority to support him; which, to speak with the

the

Duke of Grafton, I accidentally met with this morning in the courſe of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent Tract upon the Rights of the People, after reciting the votes of the convention of the 28th of January, 1689, viz.—"That "King James the Second, having endeavoured to "ſubvert the conſtitution of this kingdom, by break-"ing the original contract between King and Peo-"ple; and, by the advice of Jeſuits and other wicked "perſons, having violated the laws, and having "withdrawn himſelf out of this kingdom, hath ab-"dicated the government, &c."—makes this obſervation upon it: "The word *abdicated* relates to all "the clauſes aforegoing, as well as to his deſerting "the kingdom, or elſe they would have been wholly "in vain." And, that there might be no pretence for confining the *abdication* merely to the *withdrawing*, Lord Sommers farther obſerves, *That King James, by refuſing to govern us according to that law by which he held the crown, did implicity renounce his title to it.*

If *Junius's* conſtruction of the vote againſt Mr. Walpole be now admitted (and indeed I cannot comprehend how it can honeſtly be diſputed) the advocates of the houſe of commons muſt either give up their precedent entirely, or be reduced to the neceſſity of maintaining one of the groſſeſt abſurdities imaginable, viz. "That a commitment to the Tower "is a conſtituent part of, and contributes half at "leaſt to, the incapacitation of the perſon who ſuf-"fers it."

I need not make you any excuſe for endeavouring to keep alive the attention of the public to the deciſion of the Middleſex election. The more I conſider it, the more I am convinced, that, as a *fact*, it is indeed highly injurious to the rights of the people; but that, as a *precedent*, it is one of the moſt dan-

gerous that ever was eſtabliſhed againſt thoſe who are to come after us. Yet I am ſo far a moderate man, that I verily believe the majority of the houſe of commons, when they paſſed this dangerous vote, neither underſtood the queſtion, nor knew the conſequence of what they were doing. Their motives were rather deſpicable, than criminal in the extreme. One effect they certainly did not foreſee. They are now reduced to ſuch a ſituation, that if a member of the preſent houſe of commons were to conduct himſelf ever ſo improperly, and in reality deſerve to be ſent back to his conſtituents with a mark of diſgrace, they would not dare to expel him; becauſe they know that the people, in order to try again the great queſtion of right, or to thwart an odious houſe commons, would probably overlook his immediate unworthineſs, and return the ſame perſon to parliament. But, in time, the precedent will gain ſtrength. A future houſe of commons will have no ſuch apprehenſions, conſequently will not ſcruple to follow a precedent which they did not eſtabliſh. The miſer himſelf ſeldom lives to enjoy the fruit of his extortion; but his heir ſucceeds to him of courſe, and takes poſſeſſion without cenſure. No man expects him to make reſtitution; and, no matter for his title, he lives quietly upon the eſtate.

PHILO JUNIUS.

LETTER XLVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, MAY 5, 1771.

I Confeſs my partiality to *Junius*, and feel a conſiderable pleaſure in being able to communicate any thing to the public in ſupport of his opinions. The doctrine laid down in his laſt letter, concerning the

the power of the houſe of commons to commit for contempt, is not ſo new as it appeared to many people; who, dazzled with the name of *privilege*, had never ſuffered themſelves to examine the queſtion fairly. *In the courſe of my reading this morning*, I met with the following paſſage in the Journals of the Houſe of Commons (Vol. I. page 603.) Upon occaſion of a juriſdiction unlawfully aſſumed by the houſe in the year 1621, Mr. Attorney-General *Noye* gave his opinion as follows: "No doubt but, in "ſome caſes, this houſe may give judgment;—in "matters of returns, and concerning members of "our houſe, or falling out in our view in parlia-"liament; but, for foreign matters, knoweth not "how we can judge it. Knoweth not that we have "been uſed to give judgment in any caſe, but thoſe "before-mentioned."

Sir Edward Coke, upon the ſame ſubjects, ſays (page 604.) "No queſtion but this is a houſe of "record, and that it hath power of judicature in "ſome caſes;—have power to judge of returns and "members of our houſe; one, no member, offend-"ing out of the parliament, *when he came hither* "*and juſtified it*, was cenſured for it."

Now, Sir, if you will compare the opinion of theſe great ſages of the law with *Junius's* doctrine, you will find they tally exactly. He allows the power of the houſe to commit their own members (which, however, they may groſsly abuſe:) He allows their power in caſes where they are acting as a court of judicature, viz. elections, returns, &c. And he allows it in ſuch contempts as immediately interrupt their proceedings; or, as Mr. Noye expreſſes it, *falling out in their view in parliament.*

They who would carry the privileges of parliament farther than *Junius*, either do not mean well to the public, or know not what they are doing. The

government of England is a government of law. We betray ourſelves, we contradict the ſpirit of our laws, and we ſhake the whole ſyſtem of Engliſh juriſprudence, whenever we intruſt a diſcretionary power over the life, liberty, or fortune of the ſubject, to any man or ſet of men whatſoever, upon a preſumption that it will not be abuſed.

PHILO JUNIUS.

LETTER XLVIII.

TO THE PRINTFR OF THE PUBLIC ADVERTISER.

SIR, MAY 28, 1771.

ANY man, who takes the trouble of peruſing the journals of the houſe of commons, will ſoon be convinced, that very little, if any, regard at all, ought to be paid to the reſolutions of one branch of the legiſlature, declaratory of the law of the land, or even of what they call the law of parliament. It will appear that theſe reſolutions have no one of the properties, by which, in this country particularly, *law* is diſtinguiſhed from mere *will* and *pleaſure*; but that, on the contrary, they bear every mark of a power arbitrarily aſſumed, and capriciouſly applied: that they are uſually made in times of conteſt, and to ſerve ſome unworthy purpoſe of paſſion or party; that the law is ſeldom declared until *after* the fact by which it is ſuppoſed to be violated;—that legiſlation and juriſdiction are united in the ſame perſons, and exerciſed at the ſame moment;—and that a court, from which there is no appeal, aſſumes an *original* juriſdiction in a criminal caſe: in ſhort, Sir, to collect a thouſand abſurdities into one maſs, "we have "a law, which cannot be known becauſe it is *ex* "*poſt facto*, the party is both legiſlator and judge, "and

"and the juriſdiction is without appeal." Well might the judges ſay, *The law of parliament is above us.*

You will not wonder, Sir, that, with theſe qualifications, the declaratory reſolutions of the houſe of commons ſhould appear to be in perpetual contradiction, not only to common ſenſe and to the laws we are acquainted with (and which alone we can obey) but even to one another. I was led to trouble you with theſe obſervations by a paſſage, which, to ſpeak in luteſtring, *I met with this morning in the courſe of my reading*, and upon which I mean to put a queſtion to the advocates for privilege. On the 8th of March, 1704 (*vide* Journals, Vol. XIV. p. 565) the houſe thought proper to come to the following reſolutions:—1. "That no commoner of "England, committed by the houſe of commons "for breach of privilege, or contempt of that houſe, "ought to be, by any writ of *Habeas Corpus*, "made to appear in any other place, or before any "other judicature, during that ſeſſion of parliament "wherein ſuch perſon was ſo committed."

2. "That the Serjeant at Arms, attending this "houſe, do make no return of or yield any obedience "to the ſaid writs of *Habeas Corpus*; and, for ſuch "his refuſal, that he have the protection of the "houſe of commons." *

Welbore

* If there be in reality any ſuch law in England as the *law of parliament*, which (under the exceptions ſtated in my latter on privilege) I confeſs, after long deliberations, I very much doubt, it certainly is not conſtituted by, nor can it be collected from, the reſolutions of either houſe, whether *enacting* or *declaratory*. I deſire the reader will compare the above reſolution of the year 1704, with the following of the 3d of April, 1628.—*Reſolved*, That "the writ of Habeas Corpus cannot be denied, but ought to be "granted to *every* man that is committed or detained in priſon, or "otherwiſe reſtrained, by the command of the King, the Privy "Council, *or any other*, he praying the ſame."

Welbore Ellis, What ſay you? Is this the law of parliament, or is it not? I am a plain man, Sir, and cannot follow you through the phlegmatic forms of an oration. Speak out, Grildrig; ſay yes, or no. —If you ſay *yes*, I ſhall then inquire by what authority Mr. De Grey, the honeſt Lord Mansfield, and the Barons of the Exchequer, dared to grant a writ of *Habeas Corpus* for bringing the bodies of the Lord Mayor and Mr. Oliver before them; and why the Lieutenant of the Tower made any return to a writ, which the houſe of commons had, in a ſimilar inſtance, declared to be unlawful?—If you ſay *no*, take care you do not at once give up the cauſe in ſupport of which you have ſo long and ſo laborioufly tortured your underſtanding. Take care you do not confeſs that there is no teſt by which we can diſtinguiſh—no evidence by which we can determine, what is, and what is not, the law of parliament. The reſolutions I have quoted ſtand upon your journals, uncontroverted and unrepealed:—they contain a declaration of the law of parliament by a court competent to the queſtion, and whoſe deciſion, as you and Lord Mansfield ſay, muſt be law, becauſe there is no appeal from it; and they were made, not haſtily, but after long deliberation upon a conſtitutional queſtion.—What farther ſanction or ſolemnity will you annex to any reſolution of the preſent houſe of commons, beyond what appears upon the face of thoſe two reſolutions, the legality of which you now deny? If you ſay that parliaments are not infallible; and that Queen Anne, in conſequence of the violent proceedings of that houſe of commons, was obliged to prorogue and diſſolve them; I ſhall agree with you very heartily, and think that the precedent ought to be followed immediately. But you, Mr. Ellis, who hold this language, are inconſiſtent with your own principles. You have hitherto maintained that the

the houſe of commons are the ſole judges of their own privileges, and that their declaration does *ipſo facto* conſtitute the law of parliament; yet now you confeſs that parliaments are fallible, and that their reſolutions may be illegal; conſequently that their reſolutions *do not* conſtitute the law of parliament. When the King was urged to diſſolve the preſent parliament, you adviſed him to tell his ſubjects, that *he was careful not to aſſume any of thoſe powers which the conſtitution had placed in other hands*, &c. Yet Queen Anne was juſtified in exerting her prerogative to ſtop a houſe of commons, whoſe proceedings, compared with thoſe of the aſſembly of which you are a moſt worthy member, were the perfection of juſtice and reaſon.

In what a labyrinth of nonſenſe does a man involve himſelf who labours to maintain falſehood by argument! How much better would it become the dignity of the houſe of commons to ſpeak plainly to the people, and tell us at once, *that their will muſt be obeyed, not becauſe it is lawful and reaſonable, but becauſe it is their will?* Their conſtituents would have a better opinion of their candour, and, I promiſe you, not a worſe opinion of their integrity.

PHILO JUNIUS.

LETTER XLIX.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, JUNE 22, 1771.

THE profound reſpect I bear to the gracious Prince who governs this country with no leſs honour to himſelf than ſatisfaction to his ſubjects, and who reſtores you to your rank under his ſtandard, will ſave you from a multitude of reproaches. The attention I ſhould have paid to your failings is involuntarily

voluntarily attracted to the hand that rewards them; and though I am not ſo partial to the royal judgment, as to affirm, that the favour of a King can remove mountains of infamy, it ſerves to leſſen at leaſt, for undoubtedly it divides, the burden. While I remember how much is due to *his* ſacred character, I cannot, with any decent appearance of propriety, call you the meaneſt and the baſeſt fellow in the kingdom. I proteſt, my Lord, I do not think you ſo. You will have a dangerous rival in that kind of fame to which you have hitherto ſo happily directed your ambition, as long as there is one man living who thinks you worthy of his confidence, and fit to be truſted with any ſhare in his government. I confeſs you have great intrinſic merit; but take care you do not value it too highly. Conſider how much of it would have been loſt to the world, if the King had not graciouſly affixed his ſtamp, and given it currency among his ſubjects. If it be true, that a virtuous man, ſtruggling with adverſity, be a ſcene worthy of the Gods, the glorious contention between you and the beſt of Princes deſerves a circle equally attentive and reſpectable: I think I already ſee other Gods riſing from the earth to behold it.

But this language is too mild for the occaſion. The King is determined that our abilities ſhall not be loſt to ſociety. The perpetration and deſcription of new crimes will find employment for us both. My Lord, if the perſons who have been loudeſt in their profeſſions of patriotiſm, had done their duty to the public with the ſame zeal and perſeverance that I did, I will not aſſert that government could have recovered its dignity, but at leaſt our gracious Sovereign muſt have ſpared his ſubjects this laſt inſult*; which, if there be any feeling left among us, they will reſent more than even the real injuries they received

* The Duke was lately appointed Lord Privy Seal.

ceived from every meaſure of your Grace's adminiſ-tration. In vain would he have looked round him for another character ſo conſummate as yours. Lord Mansfield ſhrinks from his principles;—his ideas of government perhaps go farther than your own, but his heart diſgraces the theory of his underſtanding.—Charles Fox is yet in bloſſom; and as for Mr. Wed-derburne, there is ſomething about him which even treachery cannot truſt. For the preſent, therefore, the beſt of Princes muſt have contented himſelf with Lord Sandwich.—You would long ſince have re-ceived your final diſmiſſion and reward; and I, my Lord, who do not eſteem you the more for the high office you poſſeſs, would willingly have followed you to your retirement. There is ſurely ſomething ſingu-larly benevolent in the character of our Sovereign. From the moment he aſcended the throne, there is no crime, of which human nature is capable (and I call upon the Recorder to witneſs it) that has not appeared venial in his ſight. With any other Prince, the ſhameful deſertion of him in the midſt of that diſtreſs which you alone had created—in the very criſis of danger, when he fancied he ſaw the throne already ſurrounded by men of virtue and abilities—would have outweighed the memory of your former ſervices. But his Majeſty is full of juſtice, and underſtands the doctrine of compenſations. He remembers with gratitude how ſoon you had accommodated your morals to the neceſſity of his ſervice;—how chear-fully you had abandoned the engagements of private friendſhip, and renounced the moſt ſolemn profeſſions to the public. The ſacrifice of Lord Chatham was not loſt upon him. Even the cowardice and perfidy of deſerting him may have done you no diſſervice in his eſteem. The inſtance was painful, but the prin-ciple might pleaſe.

You

You did not neglect the magiſtrate, while you flattered the *man*. The expulſion of Mr. Wilkes predetermined in the cabinet;—the power of depriving the ſubject of his birthright, attributed to a reſolution of one branch of the legiſlature;—the conſtitution impudently invaded by the houſe of commons;—the right of defending it treacherouſly renounced by the houſe of lords—theſe are the ſtrokes, my lord, which, in the preſent reign, recommend to office, and conſtitute a miniſter. They would have determined your Sovereign's judgment, if they had made no impreſſion upon his heart. We need not look for any other ſpecies of merit to account for his taking the earlieſt opportunity to recal you to his councils, yet you have other merit in abundance.——Mr. Hine—the Duke of Portland—and Mr. Yorke:—Breach of truſt, robbery, and murder. You would think it a compliment to your gallantry, if I added rape to the catalogue;—but the ſtile of your amours ſecures you from reſiſtance. I know how well theſe ſeveral charges have been defended. In the firſt inſtance, the breach of truſt is ſuppoſed to have been its own reward. Mr. Bradſhaw affirms upon his honour (and ſo may the gift of ſmiling never depart from him!) that you reſerved no part of Mr. Hine's purchaſe-money for your own uſe, but that every ſhilling of it was ſcrupulouſly paid to Governor Burgoyne.—Make haſte, my Lord;—another patent, applied in time, may keep the OAKS* in the family.—If not, Birnham-Wood, I fear, muſt come to the *Macaroni*.

The Duke of Portland was in life your earlieſt friend. In defence of his property he had nothing to plead but equity againſt Sir James Lowther, and preſcription

* A ſuperb villa of Colonel Burgoyne's, about this time advertiſed for ſale.

preſcription againſt the crown. You felt for your friend; *but the law muſt take its courſe.* Poſterity will ſcarce believe that Lord Bute's ſon-in-law had barely intereſt enough at the Treaſury to get his grant completed before the general election.*

Enough has been ſaid of that deteſtable tranſaction which ended in the death of Mr. Yorke;—I cannot ſpeak of it without horror and compaſſion. To excuſe yourſelf, you publicly impeach your accomplice; and to *his* mind perhaps the accuſation may be flattery. But in murder you are both principals. It was once a queſtion of emulation; and, if the event had not diſappointed the immediate ſchemes of the cloſet, it might ſtill have been an hopeful ſubject of jeſt and merriment between you.

This letter, my Lord, is only a preface to my future correſpondence. The remainder of the ſummer ſhall be dedicated to your amuſement. I mean now and then to relieve the ſeverity of your morning ſtudies, and to prepare you for the buſineſs of the day. Without pretending to more than Mr. Bradſhaw's ſincerity, you may rely upon my attachment as long as you are in office.

Will your Grace forgive me, if I venture to expreſs ſome anxiety for a man whom I know you do not love? My Lord Weymouth has cowardice to plead, and a deſertion of a later date than your own. You know the privy-ſeal was intended for him; and, if you conſider the dignity of the poſt he deſerted, you will hardly think it decent to quarter him on Mr. Rigby. Yet he muſt have bread, my Lord;—

* It will appear by a ſubſequent letter, that the Duke's precipitation proved fatal to the grant. It looks like the hurry and confuſion of a young highwayman, who takes a few ſhillings, but leaves the purſe and watch behind him:—And yet the Duke was an old offender!

or rather he muſt have wine. If you deny him the cup, there will be no keeping him within the pale of the miniſtry.

JUNIUS.

LETTER L.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, JULY 9, 1771.

THE influence of your Grace's fortune ſtill ſeems to preſide over the treaſury. The genius of Mr. Bradſhaw inſpires Mr. Robinſon. * How remarkable is it (and I ſpeak of it not as matter of reproach, but as ſomething peculiar to your character) that you have never yet formed a friendſhip which has not been fatal to the object of it; nor adopted a cauſe, to which, one way or other, you have not done miſchief! Your attachment is infamy while it laſts; and, whichever way it turns, leaves ruin and diſgrace behind it. The deluded girl who yields to ſuch a profligate, even while he is conſtant, forfeits her reputation as well as her innocence, and finds herſelf abandoned at laſt to miſery and ſhame. Thus it happened with the beſt of Princes. Poor Dingley too! I proteſt I hardly know which of them we ought moſt to lament;—the unhappy man who ſinks under the ſenſe of his diſhonour, or him who ſurvives it. Characters, ſo finiſhed, are placed beyond the reach of panegyric. Death has fixed his ſeal upon Dingley; and you, my Lord, have ſet your mark upon the other.

The only letter I ever addreſſed to the King, was ſo unkindly received, that I believe I ſhall never preſume to trouble his Majeſty in that way again. But my

* By an intercepted letter from the Secretary of the Treaſury, it appeared, *that the friends of government were to be very active* in ſupporting the miniſterial nomination of ſheriffs.

my zeal for his ſervice is ſuperior to neglect; and, like Mr. Wilkes's patriotiſm, thrives by perſecution. Yet his Majeſty is much addicted to uſeful reading; and, if I am not ill informed, has honoured the *Public Advertiſer* with particular attention. I have endeavoured, therefore, and not without ſucceſs (as perhaps you may remember) to furniſh it with ſuch intereſting and edifying intelligence, as probably would not reach him through any other channel. The ſervices you have done the nation—your integrity in office, and ſignal fidelity to your approved good Maſter—have been faithfully recorded. Nor have his own virtues been entirely neglected. Theſe letters, my Lord, are read in other countries, and in other languages; and I think I may affirm, without vanity, that the gracious character of the beſt of Princes, is by this time not only perfectly known to his ſubjects, but tolerably well underſtood by the reſt of Europe. In this reſpect alone I have the advantage of Mr. Whitehead. His plan, I think, is too narrow. He ſeems to manufacture his verſes for the ſole uſe of the hero who is ſuppoſed to be the ſubject of them; and, that his meaning may not be exported in foreign bottoms, ſets all tranſlation at defiance.

Your Grace's re-appointment to a ſeat in the cabinet, was announced to the public by the ominous return of Lord Bute to this country. When that noxious planet approaches England, he never fails to bring plague and peſtilence along with him. The King already feels the malignant effect of your influence over his councils. Your former adminiſtration made Mr. Wilkes an alderman of London, and repreſentative of Middleſex. Your next appearance in office is marked with his election to the ſhrievalty. In whatever meaſure you are concerned, you are not only diſappointed of ſucceſs, but always contrive to

make the government of the beſt of Princes contemptible in his own eyes, and ridiculous to the whole world. Making all due allowance for the effect of the miniſter's declared interpoſition, Mr. Robinſon's activity, and Mr. Horne's new zeal in ſupport of adminiſtration, we ſtill want the genius of the Duke of Grafton to account for committing the whole intereſt of government in the city to the conduct of Mr. Harley. I will not bear hard upon your faithful friend and emiſſary, Mr. Touchit; for I know the difficulties of his ſituation, and that a few lottery-tickets are of uſe to his œconomy. There is a proverb concerning perſons in the predicament of this gentleman, which, however, cannot be ſtrictly applied to him: *They commence dupes, and finiſh knaves.* Now Mr. Touchit's character is uniform. I am convinced that his ſentiments never depended upon his circumſtances, and that in the moſt proſperous ſtate of his fortune he was always the very man he is at preſent. But was there no other perſon of rank and conſequence in the city, whom government could confide in, but a notorious Jacobite? Did you imagine that the whole body of the Diſſenters, that the whole Whig intereſt of London, would attend at the levee, and ſubmit to the directions of a notorious Jacobite? Was there no Whig magiſtrate in the city, to whom the ſervants of George the Third could intruſt the management of a buſineſs ſo very intereſting to their maſter as the election of ſheriffs? Is there no room at St. James's but for Scotchmen and Jacobites? My Lord, I do not mean to queſtion the ſincerity of Mr. Harley's attachment to his Majeſty's government. Since the commencement of the preſent reign, I have ſeen ſtill greater contradictions reconciled. The principles of theſe worthy Jacobites are not ſo abſurd as they have been repreſented. Their ideas of divine right

are

are not ſo much annexed to the perſon or family, as to the political character of the Sovereign. Had there ever been an honeſt man among the *Stuarts*, his Majeſty's preſent friends would have been Whigs upon principle. But the converſion of the beſt of Princes have removed their ſcruples. They have forgiven him the ſins of his Hanoverian anceſtors, and acknowledge the hand of Providence in the deſcent of the crown upon the head of a true *Stuart*. In you, my Lord, they alſo behold, with a kind of predilection which borders upon loyalty, the natural repreſentative of that illuſtrious family. The mode of your deſcent from Charles the Second, is only a bar to your pretenſions to the crown, and no way interrupts the regularity of your ſucceſſion to all the virtues of the *Stuarts*.

The unfortunate ſucceſs of the Rev. Mr. Horne's endeavours, in ſupport of the miniſterial nomination of ſheriffs, will, I fear, obſtruct his preferment. Permit me to recommend him to your Grace's protection. You will find him copiouſly gifted with thoſe qualities of the heart, which uſually direct you in the choice of your friendſhips. He too was Mr. Wilkes's friend, and as incapable as you are of the liberal reſentment of a gentleman. No, my Lord—it was the ſolitary vindictive malice of a monk, brooding over the infirmities of his friend, until he thought they quickened into public life, and feaſting with a rancorous rapture upon the ſordid catalogue of his diſtreſſes. Now let him go back to his cloiſter. The church is a proper retreat for him. In his principles he is already a biſhop.

The mention of this man has moved me from my natural moderation. Let me return to your Grace. You are the pillow upon which I am determined to reſt all my reſentments. What idea can the beſt of Sovereigns form to himſelf of his own government?

In what repute can he conceive that he ſtands with his people, when he ſees, beyond the poſſibility of a doubt, that, whatever be the office, the ſuſpicion of his favour is fatal to the candidate; and that when the party he wiſhes well to has the faireſt proſpect of ſucceſs, if his royal inclination ſhould unfortunately be diſcovered, it drops like an acid, and turns the election?

This event, among others, may perhaps contribute to open his Majeſty's eyes to his real honour and intereſt. In ſpite of all your Grace's ingenuity, he may at laſt perceive the inconvenience of ſelecting, with ſuch a curious felicity, every villain in the nation to fill the various departments of his government. Yet I ſhould be ſorry to confine him in the choice either of his footmen or his friends.

JUNIUS.

LETTER LI.

FROM THE REV. MR. HORNE, TO JUNIUS.

SIR, JULY 13, 1771.

FARCE, Comedy, and Tragedy—Wilkes, Foote, and *Junius,* united at the ſame time againſt one poor Parſon, are fearful odds. The two former are only labouring in their vocation; and may equally plead in excuſe, that their aim is a livelihood. I admit the plea for the *ſecond*; his is an honeſt calling, and my clothes were lawful game: but I cannot ſo readily approve Mr. Wilkes, or commend him for making patriotiſm a trade, and a fraudulent trade. But what ſhall I ſay to *Junius?* the grave, the ſolemn, the didactic! Ridicule indeed has been ridiculouſly called the teſt of truth; but ſurely, to confeſs that you loſe your *natural moderation* when mention is made of the

the man, does not promiſe much truth or juſtice when you ſpeak of him yourſelf.

You charge me with "a new zeal in ſupport of "adminiſtration," and with "endeavours in ſup-"port of the miniſterial nomination of ſheriffs." The reputation which your talents have deſervedly gained to the ſignature of *Junius*, draws from me a reply, which I diſdained to give to the anonymous lies of Mr. Wilkes. You make frequent uſe of the word *Gentleman*; I only call myſelf a *Man*, and deſire no other diſtinction: if you are either, you are bound to make good your charges, or to confeſs that you have done me a haſty injuſtice upon no authority.

I put the matter fairly to iſſue. I ſay, that ſo far from any "new zeal in ſupport of adminiſtration," I am poſſeſſed with the utmoſt abhorrence of their meaſures; and that I have ever ſhewn myſelf, and am ſtill ready, in any national manner, to lay down all I have—my life, in oppoſition to thoſe meaſures. I ſay, that I have not, and never have had, any communication or connection of any kind, directly or indirectly, with any courtier or miniſterial man, or any of their adherents: that I never have received, or ſolicited, or expected, or deſired, or do now hope for, any reward of any ſort, from any party or ſet of men in adminiſtration or oppoſition. I ſay, that I never uſed any "endeavours in ſupport of the mi-"niſterial nomination of ſheriffs;" that I did not ſolicit any one liveryman for his vote for any one of the candidates, nor employ any other perſon to ſolicit; and that I did not write one ſingle line or word in favour of Meſſrs. Plumbe and Kirkman, whom I underſtand to have been ſupported by the miniſtry.

You are bound to refute what I here advance, or to loſe your credit for veracity. You muſt produce facts: ſurmiſe and general abuſe, in however elegant language, ought not to paſs for proofs. You have

every

every advantage; and I have every diſadvantage: you are unknown; I give my name. All parties, both in and out of adminiſtration, have their reaſons (which I ſhall relate hereafter) for uniting in their wiſhes againſt me; and the popular prejudice is as ſtrongly in your favour, as it is violent againſt the Parſon.

Singular as my preſent ſituation is, it is neither painful, nor was it unforeſeen. He is not fit for public buſineſs, who does not even at his entrance prepare his mind for ſuch an event. Health, fortune, tranquillity, and private connections, I have ſacrificed upon the altar of the public; and the only return I receive, becauſe I will not concur to dupe and miſlead a ſenſeleſs multitude, is barely, that they have not yet torn me in pieces. That this has been the only return is my pride, and a ſource of more real ſatisfaction than honours or proſperity. I can practiſe, before I am old, the leſſons I learned in my youth; nor ſhall I ever forget the words of my antient monitor,

" 'Tis the laſt key-ſtone
" That makes the arch: the reſt that there were put
" Are nothing, till that comes to bind and ſhut:
" Then ſtands it a triumphal mark! then men
" Obſerve the ſtrength, the heighth, the why and
" when
" It was erected; and ſtill, walking under,
" Meet ſome new matter to look up and wonder!

I am, Sir, your humble ſervant,
JOHN HORNE.

LETTER

LETTER LII.

TO THE REVEREND MR. HORNE.

SIR, JULY 24, 1771.

I Cannot deſcend to an altercation with you in the newſpapers: but ſince I have attacked your character, and you complain of injuſtice, I think you have ſome right to an explanation. You defy me to prove that you ever ſolicited a vote, or wrote a word, in ſupport of the miniſterial aldermen. Sir, I did never ſuſpect you of ſuch groſs folly. It would have been impoſſible for Mr. Horne to have ſolicited votes, and very difficult to have written in the newſpapers in defence of that cauſe, without being detected and brought to ſhame. Neither do I pretend to any intelligence concerning you, or to know more of your conduct than you yourſelf have thought proper to communicate to the public. It is from your own letters I conclude that you have ſold yourſelf to the miniſtry; or if that charge be too ſevere, and ſuppoſing it poſſible to be deceived by appearances ſo very ſtrongly againſt you, what are your friends to ſay in your defence? Muſt they not confeſs, that, to gratify your perſonal hatred of Mr. Wilkes, you ſacrificed, as far as depended on *your* intereſt and abilities, the cauſe of the country? I can make allowance for the violence of the paſſions; and if ever I ſhould be convinced that you had no motive but to deſtroy Wilkes, I ſhall then be ready to do juſtice to your character, and to declare to the world, that I deſpiſe you ſomewhat leſs than I do at preſent. But as a public man, I muſt for ever condemn you. You cannot but know—nay, you dare not pretend to be ignorant, that the higheſt gratification of which the moſt deteſtable * * in this nation is capable, would have been the defeat of Wilkes. I know *that man* much

much better than any of you. Nature intended him only for a good-humoured fool. A ſyſtematical education, with long practice, has made him a conſummate hypocrite. Yet this man, to ſay nothing of his worthy miniſters, you have moſt aſſiduouſly laboured to gratify. To exclude Wilkes, it was not neceſſary you ſhould ſolicit votes for his opponents. We incline the balance as effectually by leſſening the weight in one ſcale, as by increaſing it in the other.

The mode of your attack upon Wilkes (though I am far from thinking meanly of your abilities) convinces me, that you either want judgment extremely, or that you are blinded by your reſentment. You ought to have foreſeen, that the charges you urged againſt Wilkes could never do him any miſchief. After all, when we expected diſcoveries highly intereſting to the community, what a pitiful detail did it end in!—Some old cloaths—a Welch poney—a French footman, and a hamper of claret. Indeed, Mr. Horne, the public ſhould, and *will*, forgive him his claret and his footman, and even the ambition of making his brother chamberlain of London, as long as he ſtands forth againſt a miniſtry and parliament who are doing every thing they can to enſlave the country, and as long as he is a thorn in the King's ſide. You will not ſuſpect me as ſetting up Wilkes for a perfect character. The queſtion to the public is, Where ſhall we find a man, who, with purer principles, will go the lengths and run the hazards that he has done? The ſeaſon calls for ſuch a man, and he ought to be ſupported. What would have been the triumph of that odious hypocrite and his minions, if *Wilkes* had been defeated! It was not *your* fault, reverend Sir, that he did not enjoy it completely.—But now, I promiſe you, you have ſo little power to do miſchief, that I much queſtion whether the miniſtry will adhere to the promiſes they have made

made you. It will be in vain to ſay that I am a partizan of Mr. Wilkes, or perſonally your enemy. You will convince no man, for you do not believe it yourſelf. Yet I confeſs I am a little offended at the low rate at which you ſeem to value my underſtanding. I beg, Mr. Horne, you will hereafter believe, that I meaſure the integrity of men by their conduct, not by their profeſſions. Such tales may entertain Mr. Oliver, or your grandmother; but, truſt me, they are thrown away upon *Junius*.

You ſay you are a *Man*. Was it generous, was it manly, repeatedly to introduce into a newſpaper the name of a young lady, with whom you muſt heretofore have lived on terms of politeneſs and good-humour?—But I have done with you. In *my* opinion, your credit is irrecoverably ruined. Mr. *Townſhend*, I think, is nearly in the ſame predicament. Poor *Oliver* has been ſhamefully duped by you. You have made him ſacrifice all the honour he got by his impriſonment. As for Mr. *Sawbridge*, whoſe character I really reſpect, I am aſtoniſhed he does not ſee through your duplicity. Never was ſo baſe a deſign ſo poorly conducted.—This letter, you ſee, is not intended for the public; but if you think it will do you any ſervice, you are at liberty to publiſh it.

JUNIUS.

*** This letter was tranſmitted privately by the printer to Mr. Horne, by Junius's requeſt. Mr. Horne returned it to the printer, with directions to publiſh it.

LETTER LIII.

FROM THE REVEREND MR. HORNE TO JUNIUS.

SIR, JULY 31, 1771.

YOU have diſappointed me. When I told you that ſurmiſe and general abuſe, in however elegant

elegant language, ought not to paſs for proofs, I evidently hinted at the reply which I expected: but you have dropped your uſual elegance, and ſeem willing to try what will be the effect of ſurmiſe and general abuſe in very coarſe language. Your anſwer to my letter (which I hope was cool, and temperate, and modeſt) has convinced me, that my idea of a *man* is much ſuperior to yours of a *gentleman*. Of your former letters I have always ſaid, *Materiem ſuperabat opus*: I do not think ſo of the preſent; the principles are more deteſtable than the expreſſions are mean and illiberal. I am contented, that all thoſe who adopt the one, ſhould for ever load me with the other.

I appeal to the common ſenſe of the public, to which I have ever directed myſelf: I believe they have it, though I am ſometimes half inclined to ſuſpect that Mr. Wilkes has formed a truer judgement of mankind than I have. However, of this I am ſure, that there is nothing elſe upon which to place a ſteady reliance. Trick, and low cunning, and addreſſing their prejudices and paſſions, may be the fitteſt means to carry a particular point; but if they have not common-ſenſe, there is no proſpect of gaining for them any real permanent good. The ſame paſſions which have been artfully uſed by an honeſt man for their advantage, may be more artfully employed by a diſhoneſt man for their deſtruction. I deſire them to apply their common-ſenſe to this letter of *Junius*; not for my ſake, but their own: it concerns them moſt nearly; for the principles it contains lead to diſgrace and ruin, and are inconſiſtent with every notion of civil ſociety.

The charges which *Junius* has brought againſt me, are made ridiculous by his own inconſiſtency and ſelf-contradiction. He charges me poſitively with "a new zeal in ſupport of adminiſtration, and with

"endeavours

« endeavours in ſupport of the miniſterial nomination « of ſheriffs." And he aſſigns two inconſiſtent motives for my conduct: either that I have "*ſold* « myſelf to the miniſtry," or am inſtigated "by the « ſolitary vindictive *malice* of a monk;" either that I am influenced by a ſordid deſire of *gain*, or am hurried on by "perſonal *hatred*, and blinded by *re-* « *ſentment*." In his letter to the Duke of Graſton, he ſuppoſes me actuated by both: in his letter to me, he at firſt doubts which of the two, whether intereſt, or revenge, is my motive. However, at laſt he determines for the former, and again poſitively aſſerts that "the miniſtry have made me promiſes:" yet he produces no inſtance of corruption, nor pretends to have any intelligence of a miniſterial connection. He mentions no *cauſe* of a perſonal hatred to Mr. Wilkes, nor any *reaſon* for my reſentment or revenge; nor has Mr. Wilkes himſelf ever hinted any, though repeatedly preſſed. When *Junius* is called upon to juſtify his accuſation, he anſwers, "He cannot de- « ſcend to an altercation with me in the newſpapers." *Junius*, who *exiſts* only in the newſpapers, who acknowledges "he has attacked my character" *there*, and thinks "I have ſome right to an *explanation*;" yet this *Junius* "cannot deſcend to an altercation in the « newſpapers!" And becauſe he cannot deſcend to an altercation with me in the newſpapers, he ſends a letter of abuſe by the printer, which he finiſhes with telling me—"I am at liberty to *publiſh* it." This, to be ſure, is a moſt excellent method to avoid an altercation in the newſpapers!

The *proofs* of his poſitive charges are as extraordinary: "He does not pretend to any intelligence « concerning me, or to know more of my conduct « than I myſelf have thought proper to communicate « to the public." He does not ſuſpect me of ſuch groſs folly as to have ſolicited votes, or to have

written anonymouſly in the newſpapers; becauſe it is impoſſible to do either of theſe without being detected and brought to ſhame. *Junius* ſays this!—who yet imagines that he has himſelf written two years under that ſignature (and more under *others*) without being detected!—his warmeſt admirers will not hereafter add, without being brought to ſhame. But though he did never ſuſpect me of ſuch groſs folly as to run the *hazard* of being detected and brought to ſhame by *anonymous* writing, he inſiſts, that I have been guilty of a much groſſer folly, of incurring the certainty of ſhame and detection, by writings *ſigned* with my name! But this a ſmall flight for the towering *Junius*: "HE IS FAR from thinking meanly of my abilities," though he is "convinced that I want judgment extremely;" and can "really reſpect Mr. Sawbridge's character," though he declares him* to be ſo poor a creature, as not to "ſee through the baſeſt deſign conducted in the "pooreſt manner!" And this moſt baſe deſign is conducted in the pooreſt manner, by a man whom he does not ſuſpect of groſs folly, and of whoſe abilities he is FAR from thinking meanly!

Should we aſk *Junius* to reconcile theſe contradictions, and explain this nonſenſe, the anſwer is ready; —"He

* I beg leave to introduce Mr. Horne to the character of the *Double Dealer*. I thought they had been better acquainted.—"Another very wrong objection has been made by ſome, who have "not taken leiſure to diſtinguiſh the characters. The hero of the "play (meaning *Melleſont*) is a gull, and made a fool, and cheated.——Is every man a gull and a fool that is deceived?——At "that rate, I am afraid the two claſſes of men will be reduced to "one, and the knaves themſelves be at a loſs to juſtify their title. "But if an open, honeſt-hearted man, who has an entire confidence "in one whom he takes to be his friend, and who (to confirm "him in his opinion) in all appearance, and upon ſeveral trials, "has been ſo; if this man be deceived by the treachery of the "other, muſt he of neceſſity commence fool immediately, only be-"cauſe the other has proved a villain?"——Yes, ſays parſon Horne: No, ſays Congreve; and he, I think, is allowed to have known ſomething of human nature.

—" He cannot deſcend to an altercation in the newſ-
" papers." He feels no reluctance to attack the character of any man: the throne is not too high, nor the cottage too low: his mighty malice can graſp both extremes: he hints not his accuſations as *opinion*, *conjecture*, or *inference*, but delivers them as *poſitive aſſertions*. Do the accuſed complain of injuſtice? He acknowledges they have ſome ſort of right to an *explanation*: but if they aſk for *proofs* and *facts*, he begs to be excuſed; and though he is no where elſe to be encountered—" he cannot deſcend to an
" altercation in the newſpapers."

And this, perhaps, *Junius* may think " the *liberal*
" *reſentment of a gentleman*:" This ſkulking aſſaſſination he may call courage. In all things, as in this, I hope we differ.

" I thought that fortitude had been a mean
" 'Twixt fear and raſhneſs; not a luſt obſcene
" Or appetite of offending; but a ſkill
" And nice diſcernment between good and ill.
" Her ends are honeſty and public good,
" And without theſe ſhe is not underſtood."

Of two things, however, he has condeſcended to give proof. He very properly produces a *young lady*, to prove that I am not a man; and a good *old woman*, my grandmother, to prove Mr. Oliver a fool. Poor old ſoul! ſhe read her bible far otherwiſe than *Junius!* She often found there, that the ſins of the fathers had been viſited on the children; and therefore was cautious that herſelf, and her immediate deſcendants, ſhould leave no reproach on her poſterity; and they left none. How little could ſhe foreſee this reverſe of *Junius*, who viſits my political ſins upon my *grandmother!* I do not charge this to the ſcore of malice in him; it proceedeth entirely from his pro-

penſity to blunder; and whilſt he was reproaching me for introducing, in the moſt harmleſs manner, the name of *one* female, he might himſelf, at the ſame inſtant, introduce *two*.

I am repreſented alternately, as it ſuits *Junius*'s purpoſe, under the oppoſite characters of a *gloomy monk*, and a man of *politeneſs and good-humour*. I am called "*a ſolitary monk*," in order to confirm the notion given of me in Mr. Wilkes's anonymous paragraphs, that I *never laugh*. And the terms of *politeneſs* and *good-humour*, on which I am ſaid to have lived heretofore with the *young lady*, are intended to confirm other paragraphs of Mr. Wilkes's, in which he is ſuppoſed to have offended me by *refuſing his daughter*. Ridiculous! Yet I cannot deny but that *Junius* has proved me *unmanly* and *ungenerous*, as clearly as he has ſhown me *corrupt* and *vindictive*: and I will tell him more; I have paid the preſent miniſtry as many *viſits* and *compliments* as ever I paid to the *young lady*; and ſhall all my life treat them with the *ſame politeneſs and good-humour*.

But *Junius* "begs me to believe, that he mea-" ſures the integrity of men by their *conduct*, not by their *profeſſions*." Sure this *Junius* muſt imagine his readers as void of underſtanding as he is of modeſty! Where ſhall we find the ſtandard of HIS integrity? By what are we to meaſure the *conduct* of this lurking aſſaſſin?—And he ſays this to me, whoſe conduct, wherever I could perſonally appear, has been as direct, and open, and public, as my words. I have not, like him, concealed myſelf in my chamber, to ſhoot my arrows out of the window; nor contented myſelf to view the battle from afar; but publicly mixed in the engagement, and ſhared the danger. To whom have I, like him, refuſed my name upon complaint of injury? What printer have I deſired to conceal me? In the infinite variety of buſineſs in which

which I have been concerned, where it is not ſo eaſy to be faultleſs, which of my actions can he arraign? To what danger has any man been expoſed, which I have not faced? *information*, *action*, *impriſonment*, or *death?* What labour have I refuſed? what expence have I declined? what pleaſure have I not renounced? —But *Junius*, *to whom no conduct belongs*, "meaſures the integrity of men by their *conduct*, not "by their profeſſions;" himſelf all the while being nothing but *profeſſions*, and thoſe too *anonymous!* The political ignorance or wilful falſehood of this *declaimer* is extreme. His own *former* letters juſtify both my conduct and thoſe whom his *laſt* letter abuſes: for the public meaſures which *Junius* has been all along defending, were ours whom he attacks; and the uniform oppoſer of thoſe meaſures has been Mr. Wilkes, whoſe bad actions and intentions he endeavours to ſcreen.

Let *Junius* now, if he pleaſes, change his abuſe; and, quitting his looſe hold of *intereſt* and *revenge*, accuſe me of *vanity*, and call this defence *boaſting*. Iown I have a pride to ſee ſtatues decreed, and the higheſt honours conferred, for meaſures and actions which all men have approved; whilſt thoſe who counſelled and cauſed them are execrated and inſulted. The darkneſs in which *Junius* thinks himſelf ſhrouded, has not concealed him; nor the artifice of only *attacking under that ſignature* thoſe he would pull down (whilſt he *recommends by other ways* thoſe he would have promoted) diſguiſed from me whoſe partizan he is. When Lord Chatham can forgive the aukward ſituation in which, for the ſake of the public, he was deſignedly placed by the thanks to him from the city; and when *Wilkes's name* ceaſes to be neceſſary to Lord Rockingham to keep a clamour againſt the *perſons* of the miniſtry, without obliging the different factions now in oppoſition to bind themſelves before-

hand to ſome certain points, and to ſtipulate ſome preciſe advantages to the public; then, and not till then, may thoſe whom he now abuſes expect the approbation of *Junius*. The approbation of the public for our faithful attention to their intereſt, by endeavours for thoſe ſtipulations, which have made us as obnoxious to the factions in oppoſition as to thoſe in adminiſtration, is not perhaps to be expected till ſome years hence; when the public will look back, and ſee how ſhamefully they have been deluded, and by what arts they were made to loſe the golden opportunity of preventing what they will ſurely experience —a change of miniſters, without a material change of meaſures, and without any ſecurity for a tottering conſtitution.

But what cares *Junius* for the ſecurity of the conſtitution? He has now unfolded to us his diabolical principles. *As a public man, he muſt ever condemn* any meaſure which may tend accidentally to *gratify* the Sovereign; and Mr. Wilkes is to be ſupported and aſſiſted in all his attempts (no matter how ridiculous and miſchievous his projects) *as long as he continues to be a thorn in the King's ſide!*—The *cauſe of the country*, it ſeems, in the opinion of *Junius*, is merely to vex the King; and any raſcal is to be ſupported in any roguery, provided he can only thereby plant *a thorn in the King's ſide*.—This is the very extremity of faction, and the laſt degree of political wickedneſs. Becauſe Lord Chatham has been ill-treated by the King, and treacherouſly betrayed by the Duke of Grafton, the latter is to be "the pillow on which "*Junius* will reſt his reſentment;" and the public are to oppoſe the meaſures of government from mere motives of perſonal enmity to the Sovereign! Theſe are the avowed principles of the man who, in the ſame letter, ſays, "If ever he ſhould be convinced "that I had no motive but to deſtroy Wilkes, he "ſhall

« ſhall then be ready to do juſtice to my character, « and to declare to the world, that he deſpiſes me « ſomewhat leſs than he does at preſent!" Had I ever acted from perſonal affection or enmity to Mr. Wilkes, I ſhould juſtly be deſpiſed: but what does he deſerve, whoſe avowed motive is perſonal enmity to the Sovereign? The contempt which I ſhould otherwiſe feel for the abſurdity and glaring inconſiſtency of *Junius*, is here ſwallowed up in my abhorrence of his principles. The *right divine* and *ſacredneſs* of Kings is to me a ſenſeleſs jargon. It was thought a daring expreſſion of Oliver Cromwell, in the time of Charles the firſt, that if he found himſelf placed oppoſite to the King in battle, he would diſcharge his piece into his boſom as ſoon as into any other man's. I go farther: had I lived in thoſe days, I would not have waited for chance to give me an opportunity of doing my duty; I would have ſought him through the ranks, and, without the leaſt perſonal enmity, have diſcharged my piece into his boſom *rather* than into any other man's. The King whoſe actions juſtify rebellion to his government, deſerves death from the hand of every ſubject. And ſhould ſuch a time arrive, I ſhall be as free to act as to ſay: but till then, my attachment to the perſon and family of the Sovereign ſhall ever be found more zealous and ſincere than that of his flatterers. I would offend the Sovereign with as much reluctance as the parent; but if the happineſs and ſecurity of the whole family made it neceſſary, ſo far, and no farther, I would offend him without remorſe.

But let us conſider a little whither theſe principles of *Junius* would lead us. Should Mr. Wilkes once more commiſſion Mr. Thomas Walpole to procure for him a penſion of *one thouſand pounds* upon the Iriſh eſtabliſhment for thirty years, he muſt be ſupported

ported in the demand by the public—becauſe it would mortify the King!

Should he wiſh to ſee Lord Rockingham and his friends once more in adminiſtration, *unclogged by any ſtipulations for the people*, that he might again enjoy a *penſion of one thouſand and forty pounds* a year, viz. from the *firſt Lord of the Treaſury*, 500l. from the *Lords of the Treaſury*, 60l. each, from the *Lords of Trade*, 40l. each, &c. the public muſt give up their attention to points of national benefit, and aſſiſt Mr. Wilkes in his attempt—becauſe it would mortify the King!

Should he demand the government of *Canada*, or of *Jamaica*, or the embaſſy to *Conſtantinople*, and in caſe of refuſal threaten to write them down, as he had before ſerved another adminiſtration, in a year and a half, he muſt be ſupported in his pretenſions, and upheld in his inſolence—becauſe it would mortify the King!

Junius may chooſe to ſuppoſe that theſe things cannot happen! But that they have happened, notwithſtanding Mr. Wilkes's denial, I do aver. I maintain that Mr. Wilkes did commiſſion Mr. Thomas Walpole to ſolicit for him a penſion of *one thouſand pounds* on the *Iriſh* eſtabliſhment for *thirty years*; with which, and a pardon, he declared he would be ſatisfied: and that, notwithſtanding his letter to Mr. Onſlow, he did accept a *clandeſtine*, *precarious*, and *eleemoſinary* penſion from the Rockingham adminiſtration; which they paid in proportion to, and out of, their ſalaries: and ſo entirely was it miniſterial, that as any of them went out of the miniſtry, their names were ſcratched out of the liſt, and they contributed no longer. I ſay, he did ſolicit the governments, and the embaſſy, and threatened their refuſal nearly in theſe words:—"It coſt me a "year and a half to write down the laſt adminiſtra-

"tion;

« tion; ſhould I employ as much time upon you, « very few of you would be in at the death." When theſe threats did not prevail, he came over to England to embarraſs them by his preſence: and when he found that Lord Rockingham was ſomething firmer and more manly than he expected, and refuſed to be bullied—into what he could not perform, Mr. Wilkes declared, that he could not leave England without money; and the Duke of Portland and Lord Rockingham purchaſed his abſence with *one hundred pounds a piece*, with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland, to Lord Rockingham, to Lord John Cavendiſh, to Mr. Walpole, &c.—I appeal to the hand-writing of Mr. Wilkes, which is ſtill extant.

Should Mr. Wilkes afterwards (failing in this wholeſale trade) chooſe to dole out his popularity by the pound, and expoſe the city offices to ſale to his brother, his attorney, &c. *Junius* will tell us, it is only an *ambition* that he has to make them *chamberlain*, *town-clerk*, &c. and he muſt not be oppoſed in thus robbing the antient citizens of their birthright—becauſe any defeat of Mr. Wilkes would gratify the King!

Should he, after conſuming the whole of his own fortune, and that of his wife, and incurring a debt of *twenty thouſand pounds*, merely by his own private extravagance, without a ſingle ſervice or exertion all this time for the public, whilſt his eſtate remained; ſhould he at length, being undone, commence patriot, have the good fortune to be illegally perſecuted, and in conſideration of that illegality be eſpouſed by a few gentlemen of the pureſt public principles; ſhould his debts (though none of them were contracted for the public) and all his other encumbrances be diſcharged; ſhould he be offered 600l. or 1000l. a year

to

to make him independent for the future; and ſhould he, after all, inſtead of gratitude for theſe ſervices, inſolently forbid his benefactors to beſtow their own money upon any other object but himſelf, and revile them for ſetting any bounds to their ſupplies; *Junius* (who, any more than Lord Chatham, never contributed one farthing to theſe enormous expences) will tell them, that if they think of converting the ſupplies of Mr. Wilkes's private extravagance to the ſupport of public meaſures—they are as great fools as my *grandmother*; and that Mr. Wilkes ought to hold the ſtrings of their purſes—*as long as he continues to be a thorn in the King's ſide!*

Upon theſe principles I never have acted, and I never will act. In my opinion, it is leſs diſhonourable to be the creature of a court than the tool of a faction. I will not be either. I underſtand the two great leaders of oppoſition to be Lord Rockingham and Lord Chatham; under one of whoſe banners, all the oppoſing members of both houſes who deſire to get places enliſt. I can place no confidence in either of them, or in any others, unleſs they will now engage, whilſt they are OUT, to grant certain eſſential advantages for the ſecurity of the public, when they ſhall be IN adminiſtration. Theſe points they refuſe to ſtipulate, becauſe they are fearful leſt they ſhould prevent any future overtures from the court. To force them to theſe ſtipulations has been the uniform endeavour of Mr. Sawbridge, Mr. Townſend, Mr. Oliver, &c. and THEREFORE they are abuſed by Junius. I know no reaſon, but my zeal and induſtry in the ſame cauſe, that ſhould intitle me to the honour of being ranked by his abuſe with perſons of their fortune and ſtation. It is a duty I owe to the memory of the late Mr. Beckford to ſay, that he had no other aim than this, when he provided that ſumptuous entertainment at the Man-

ſion-

ſion-houſe for the members of both houſes in oppoſition. At that time he drew up the heads of an engagement, which he gave to me, with a requeſt that I would couch it in terms ſo cautious and preciſe, as to leave no room for future quibble and evaſion; but to oblige them either to fulfil the intent of the obligation, or to ſign their own infamy, and leave it on record: and this engagement he was determined to propoſe to them at the Manſion-houſe, that either by their refuſal they might forfeit the confidence of the public, or by the engagement lay a foundation for confidence. When they were informed of the intention, Lord Rockingham and his friends flatly refuſed any engagement; and Mr. Beckford as flatly ſwore, they ſhould then—"eat none of his broth;" and he was determined to put off the entertainment: but Mr. Beckford was prevailed upon by —— to indulge them in the ridiculous parade of a popular proceſſion through the city, and to give them the fooliſh pleaſure of an imaginary conſequence, for the real benefit only of the cooks and purveyors.

It was the ſame motive which dictated the thanks of the city to Lord Chatham; which were expreſſed to be given for his declaration in favour of *ſhort parliaments*; in order thereby to fix Lord Chatham at leaſt to that one conſtitutional remedy, without which all others can afford no ſecurity. The embarraſſment, no doubt, was cruel. He had his choice either to offend the Rockingham party, who declared *formally* againſt ſhort parliaments, and with the aſſiſtance of whoſe numbers in both houſes he muſt expect again to be miniſter; or to give up the confidence of the public, from whom finally all real conſequence muſt proceed. Lord Chatham choſe the latter: and I will venture to ſay, that, by his *anſwer* to thoſe thanks, he has given up the people without gaining the friendſhip

ſhip or cordial aſſiſtance of the Rockingham faction; whoſe little politics are confined to the making of matches, and extending their family connections, and who think they gain more by procuring one additional vote to their party in the houſe of commons, than by adding their languid property and feeble character to the abilities of a *Chatham*, or the confidence of a public.

Whatever may be the event of the preſent wretched ſtate of politics in this country, the principles of Junius will ſuit no form of government. They are not to be tolerated under any conſtitution. Perſonal enmity is a motive fit only for the devil. Whoever, or whatever, is Sovereign, demands the reſpect and ſupport of the people. The union is formed for their happineſs, which cannot be had without mutual reſpect; and he counſels malicioufly who would perſuade either to a wanton breach of it. When it is baniſhed by either party, and when every method has been tried in vain to reſtore it, there is no remedy but a divorce: but even then he muſt have a hard and a wicked heart indeed who puniſhes the greateſt criminal merely for the ſake of the puniſhment; and who does not let fall a tear for every drop of blood that is ſhed in a public ſtruggle, however juſt the quarrel. JOHN HORNE.

LETTER LIV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUG 15, 1771.

I Ought to make an apology to the Duke of Grafton, for ſuffering any part of my attention to be diverted from his Grace to Mr. Horne. I am not juſtified by the ſimilarity of their diſpoſitions. Private vices, however deteſtable, have not dignity ſufficient

ficient to attract the cenſure of the preſs, unleſs they are united with the power of doing ſome ſignal miſchief to the community. Mr. Horne's ſituation does not correſpond with his intentions. In my own opinion (which, I know, will be attributed to my uſual vanity and preſumption) his letter to me does not deſerve an anſwer. But I underſtand that the public are not ſatisfied with my ſilence;—that an anſwer is expected from me; and that if I perſiſt in refuſing to plead, it will be taken for conviction. I ſhould be inconſiſtent with the principles I profeſs, if I declined an appeal to the good ſenſe of the people, or did not willingly ſubmit myſelf to the judgment of my peers.

If any coarſe expreſſions have eſcaped me, I am ready to agree that they are unfit for Junius to make uſe of; but I ſee no reaſon to admit that they have been improperly applied.

Mr. Horne, it ſeems, is unable to comprehend how an extreme want of conduct and diſcretion can conſiſt with the abilities I have allowed him; nor can he conceive that a very honeſt man, with a very good underſtanding, may be deceived by a knave. His knowledge of human nature muſt be limited indeed. Had he never mixed with the world, one would think that even his books might have taught him better. Did he hear Lord Mansfield, when he defended his doctrine concerning libels?—or when he ſtated the law in proſecutions for criminal converſation?—or when he delivered his reaſons for calling the houſe of Lords together to receive a copy of his charge to the jury in Woodfall's trial?—Had he been preſent upon any of theſe occaſions, he would have ſeen how poſſible it is for a man of the firſt talents, to confound himſelf in abſurdities, which would diſgrace the lips of an idiot. Perhaps the example might have taught him not to value his own underſtanding ſo highly.—Lord Lyttleton's integrity and judgment are unqueſtion-

able;—yet he is known to admire that cunning Scotchman, and verily believes him an honeſt man. —I ſpeak to facts, with which all of us are converſant.—I ſpeak to men, and to their experience; and will not deſcend to anſwer the little ſneering ſophiſtries of a collegian.—Diſtinguiſhed talents are not neceſſarily connected with diſcretion. If there be any thing remarkable in the character of Mr. Horne, it is that extreme want of judgment ſhould be united with his very moderate capacity. Yet I have not forgotten the acknowledgment I made him. He owes it to my bounty; and, though his letter has lowered him in my opinion, I ſcorn to retract the charitable donation.

I ſaid it would be *very difficult* for Mr. Horne to write directly in defence of a miniſterial meaſure, and not be detected; and even that difficulty I confined to *his* particular ſituation. He changes the terms of the propoſition, and ſuppoſes me to aſſert, that it would be *impoſſible* for *any* man to write for the newſpapers and not be diſcovered.

He repeatedly affirms, or intimates at leaſt, that he knows the author of theſe letters.—With what colour of truth, then, can he pretend *that I am no where to be encountered but in a newſpaper?*—I ſhall leave him to his ſuſpicions. It is not neceſſary that I ſhould confide in the honour or diſcretion of a man who already ſeems to hate me with as much rancour as if I had formerly been his friend.—But he aſſerts that he has traced me through a variety of ſignatures. To make the diſcovery of any importance to his purpoſe, he ſhould have proved, either that the fictitious character of *Junius* has not been conſiſtently ſupported, or that the author has maintained different principles under different ſignatures.—I cannot recal to my memory the numberleſs trifles I have written;—but I rely upon the conſciouſneſs of my own integrity, and defy

him

him to fix any colourable charge of inconſiſtency upon me.

I am not bound to aſſign the ſecret motives of his apparent hatred of Mr. Wilkes: nor does it follow that I may not judge fairly of *his* conduct, though it were true *that I had no conduct of my own.*—Mr. Horne enlarges with rapture upon the importance of his ſervices;—the dreadful battles which he might have been engaged in, and the dangers he has eſcaped.—In ſupport of the formidable deſcription, he quotes verſes without mercy. The gentleman deals in fiction, and naturally appeals to the evidence of the poets.—Taking him at his word, he cannot but admit the ſuperiority of Mr. Wilkes in this line of ſervice. On one ſide, we ſee nothing but imaginary diſtreſſes. On the other, we ſee real proſecutions;—real penalties;—real impriſonment;—life repeatedly hazarded;—and, at one moment, almoſt the certainty of death. Thanks are undoubtedly due to every man who does his duty in the engagement; but it is the wounded ſoldier who deſerves the reward.

I did not mean to deny that Mr. Horne had been an active partizan. It would defeat my own purpoſe not to allow him a degree of merit, which aggravates his guilt. The very charge *of contributing his utmoſt efforts to ſupport a miniſterial meaſure*, implies an acknowledgment of his former ſervices. If he had not once been diſtinguiſhed by his apparent zeal in defence of the common cauſe, he could not now be diſtinguiſhed by deſerting it.—As for myſelf, it is no longer a queſtion, *whether I ſhall mix with the throng, and take a ſingle ſhare in the danger.* Whenever *Junius* appears, he muſt encounter a hoſt of enemies. But is there no honourable way to ſerve the public, without engaging in perſonal quarrels with inſignificant individuals, or ſubmitting to the drudgery of canvaſſing votes for an election? Is there no merit in dedi-

cating my life to the information of my fellow-ſubjects?—What public queſtion have I declined? What villain have I ſpared?—Is there no labour in the compoſition of theſe letters? Mr. Horne, I fear, is partial to me, and meaſures the facility of *my* writings by the fluency of his own.

He talks to us in high terms of the gallant feats he would have performed if he had lived in the laſt century. The unhappy Charles could hardly have eſcaped him. But living princes have a claim to his attachment and reſpect. Upon theſe terms, there is no danger in being a patriot. If he means any thing more than a pompous rhapſody, let us try how well his argument holds together.—I preſume he is not yet ſo much a courtier as to affirm, that the conſtitution has not been groſsly and daringly violated under the preſent reign. He will not ſay, that the laws have not been ſhamefully broken or perverted;—that the rights of the ſubject have not been invaded, or that redreſs has not been repeatedly ſolicited and refuſed.—Grievances like theſe were the foundation of the rebellion in the laſt century; and, if I underſtand Mr. Horne, they would, at that period, have juſtified him to his own mind in deliberately attacking the life of his Sovereign. I ſhall not aſk him to what political conſtitution this doctrine can be reconciled. But at leaſt it is incumbent upon him to ſhow, that the preſent King has better excuſes than Charles the Firſt for the errors of his government. He ought to demonſtrate to us, that the conſtitution was better underſtood a hundred years ago than it is at preſent; that the legal rights of the ſubject, and the limits of the prerogative, were more accurately defined and more clearly comprehended. If propoſitions like theſe cannot be fairly maintained, I do not ſee how he can reconcile it to his conſcience, not to act immediately with the ſame freedom with which he ſpeaks.

I reverence

I reverence the character of Charles the Firſt as little as Mr. Horne; but I will not inſult his misfortunes by a compariſon that would degrade him.

It is worth obſerving, by what gentle degrees the furious, perſecuting zeal of Mr. Horne has ſoftened into moderation. Men and meaſures were yeſterday his objects. What pains did he once take to bring that great ſtate-criminal *Macquirk* to execution!—To-day he confines himſelf to meaſures only.—No penal example is to be left to the ſucceſſors of the Duke of Grafton.—To-morrow, I preſume, both men and meaſures will be forgiven. The flaming patriot, who ſo lately ſcorched us in the meridian, ſinks temperately to the weſt, and is hardly felt as he deſcends.

I comprehend the policy of endeavouring to communicate to Mr. Oliver and Mr. Sawbridge a ſhare in the reproaches with which he ſuppoſes me to have loaded him. My memory fails me, if I have mentioned their names with diſreſpect;—unleſs it be reproachful to acknowledge a ſincere reſpect for the character of Mr. Sawbridge, and not to have queſtioned the innocence of Mr. Oliver's intentions.

It ſeems I am a partizan of the great leader of the oppoſition. If the charge had been a reproach, it ſhould have been better ſupported. I did not intend to make a public declaration of the reſpect I bear Lord Chatham. I well knew what unworthy concluſions would be drawn from it. But I am called upon to deliver my opinion; and ſurely it is not in the little cenſure of Mr. Horne to deter me from doing ſignal juſtice to a man who, I confeſs, has grown upon my eſteem. As for the common, ſordid views of avarice, or any purpoſe of vulgar ambition, I queſtion whether the applauſe of *Junius* would be of ſervice to Lord Chatham. *My* vote will hardly recommend him to an increaſe of his penſion, or to a

ſeat in the cabinet. But if his ambition be upon a level with his underſtanding;—if he judges of what is truly honourable for himſelf, with the ſame ſuperior genius which animates and directs him to eloquence in debate, to wiſdom in deciſion, even the pen of Junius ſhall contribute to reward him. Recorded honours ſhall gather round his monument, and thicken over him. It is a ſolid fabric, and will ſupport the laurels that adorn it.—I am not converſant in the language of panegyric.—Theſe praiſes are extorted from me; but they will wear well, for they have been dearly earned.

My deteſtation of the Duke of Grafton is not founded upon his treachery to any individual: though I am willing enough to ſuppoſe, that, in public affairs, it would be impoſſible to deſert or betray Lord Chatham, without doing an eſſential injury to this country. My abhorrence of the Duke ariſes from an intimate knowledge of his character; and from a thorough conviction that his baſeneſs has been the cauſe of greater miſchief to England than even the unfortunate ambition of Lord Bute.

The ſhortening the duration of parliaments is a ſubject on which Mr. Horne cannot enlarge too warmly; nor will I queſtion his ſincerity. If I did not profeſs the ſame ſentiments, I ſhould be ſhamefully inconſiſtent with myſelf. It is unneceſſary to bind Lord Chatham by the written formality of an engagement. He has publicly declared himſelf a convert to triennial parliaments; and though I have long been convinced, that this is the only poſſible reſource we have left to preſerve the ſubſtantial freedom of the conſtitution, I do not think we have a right to determine againſt the integrity of Lord Rockingham or his friends. Other meaſures may undoubtedly be ſupported in argument, as better adapted to the diſorder, or more likely to be obtained.

Mr.

Mr. Horne is well aſſured, that I never was the champion of Mr. Wilkes. But though I am not obliged to anſwer for the firmneſs of his future adherence to the principles he profeſſes, I have no reaſon to preſume that he will hereafter diſgrace them. As for all thoſe imaginary caſes which Mr. Horne ſo petulantly urges againſt me, I have one plain, honeſt anſwer to make to him.—Whenever Mr. Wilkes ſhall be convicted of ſoliciting a penſion, an embaſſy, or a government, he muſt depart from that ſituation, and renounce that character, which he aſſumes at preſent; and which, in *my* opinion, intitle him to the ſupport of the public. By the ſame act, and at the ſame moment, he will forfeit his power of mortifying the King; and though he can never be a favourite at St. James's, his baſeneſs may adminiſter a ſolid ſatisfaction to the royal mind. The man I ſpeak of has not a heart to feel for the frailties of his fellow-creatures. It is their virtues that afflict, it is their vices that conſole, him.

I give every poſſible advantage to Mr. Horne, when I take the facts he refers to for granted. That they are the produce of his invention, ſeems highly probable; that they are exaggerated, I have no doubt. At the worſt, what do they amount to, but that Mr. Wilkes, who never was thought of as a perfect pattern of morality, has not been at all times proof againſt the extremity of diſtreſs? How ſhameful is it in a man who has lived in friendſhip with him, to reproach him with failings too naturally connected with deſpair! Is no allowance to be made for baniſhment aud ruin? Does a two-years impriſonment make no atonement for his crimes?—The reſentment of a prieſt is implacable. No ſufferings can ſoften, no penitence can appeaſe, him.—Yet he himſelf, I think, upon his own ſyſtem, has a multitude of political offences to atone for. I will not

inſiſt

inſiſt upon the nauſeous detail, with which he ſo long diſguſted the public. He ſeems to be aſhamed of it. But what excuſe will he make to the friends of the conſtitution for labouring to promote *this conſummately bad man* to a ſtation of the higheſt national truſt and importance? Upon what honourable motives did he recommend him to the livery of London for their repreſentative; to the ward of Farringdon for their alderman; to the county of Middleſex for their knight? Will he affirm, that, at that time, he was ignorant of Mr. Wilkes's ſolicitations to the miniſtry? That he ſhould ſay ſo, is indeed very neceſſary for his own juſtification; but where will he find credulity to believe him?

In what ſchool this gentleman learned his ethics I know not. His *logic* ſeems to have been ſtudied under Mr. Dyſon. That miſerable pamphleteer, by dividing the only precedent in point, and taking as much of it as ſuited his purpoſe, had reduced his argument upon the Middleſex election to ſomething like the ſhape of a ſyllogiſm. Mr. Horne has conducted himſelf with the ſame ingenuity and candour. I had affirmed, that Mr. Wilkes would preſerve the public favour, "as long as he ſtood forth againſt a "miniſtry and parliament who were doing every "thing they could to enſlave the country, *and* as "long as he was a thorn in the King's ſide." Yet, from the exulting triumph of Mr. Horne's reply, one would think that I had reſted my expectation, that Mr. Wilkes would be ſupported by the public upon the ſingle condition of his mortifying the King. This may be logic at Cambridge or at the Treaſury; but among men of ſenſe and honour, it is folly or villainy in the extreme.

I ſee the pitiful advantage he has taken of a ſingle unguarded expreſſion, in a letter not intended for the public. Yet it is the only *expreſſion* that is unguarded.

guarded. I adhere to the true meaning of that member of the ſentence, taken ſeparately as *he* takes it; and now, upon the cooleſt deliberation, reaſſert, that, for the purpoſes I referred to, it may be highly meritorious to the public, to wound the perſonal feelings of the Sovereign. It is not a general propoſition, nor is it generally applied to the chief magiſtrate of this or any other conſtitution. Mr. Horne knows as well as I do, that the beſt of Princes is not diſpleaſed with the abuſe which he ſees thrown upon his oſtenſible miniſters. It makes them, I preſume, more properly the objects of his royal compaſſion; neither does it eſcape his ſagacity, that the lower they are degraded in the public eſteem, the more ſubmiſſively they muſt depend upon his favour for protection. This I affirm, upon the moſt ſolemn conviction, and the moſt certain knowledge, is a leading maxim in the policy of the cloſet. It is unneceſſary to purſue the argument any farther.

Mr. Horne is now a very loyal ſubject. He laments the wretched ſtate of politics in this country; and ſees, in a new light, the weakneſs and folly of the oppoſition. *Whoever, or whatever, is Sovereign, demands the reſpect and ſupport of the people*;* it was not ſo *when Nero fiddled while Rome was burning*. Our gracious Sovereign has had wonderful ſucceſs in creating new attachments *to his perſon and family*. He owes it, I preſume, to the regular ſyſtem he has purſued in the myſtery of converſion. He began with an experiment upon the Scotch; and concludes with converting Mr. Horne. What a pity it is, that the *Jews* ſhould be condemned by Providence to wait for a Meſſiah of their own!

The prieſthood are accuſed of miſinterpreting the ſcriptures. Mr. Horne has improved upon his profeſſion.

* The very ſoliloquy of Lord Suffolk before he paſſed the Rubicon.

feſſion. He alters the text, and creates a refutable doctrine of his own. Such artifices cannot long delude the underſtanding of the people; and, without meaning an indecent compariſon, I may venture to foretel, that the Bible and *Junius* will be read, when the commentaries of the Jeſuits are forgotten.

JUNIUS.

LETTER LV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, AUG 26, 1771.

THE enemies of the people, having now nothing better to object to my friend *Junius*, are at laſt obliged to quit his politics, and to rail at him for crimes he is not guilty of. His vanity and impiety are now the perpetual topics of their abuſe. I do not mean to leſſen the force of ſuch charges (ſuppoſing they were true) but to ſhow that they are not founded. If I admitted the premiſes, I ſhould readily agree in all the conſequences drawn from them. Vanity indeed is a venial error; for it uſually carries its own puniſhment with it:—but if I thought *Junius* capable of uttering a diſreſpectful word of the religion of his country, I ſhould be the firſt to renounce and give him up to public contempt and indignation. As a man, I am ſatisfied that he is a Chriſtian upon the moſt ſincere conviction: as a writer, he would be groſsly inconſiſtent with his political principles, if he dared to attack a religion eſtabliſhed by thoſe laws which it ſeems to be the purpoſe of his life to defend. Now for the proofs. *Junius* is accuſed of an impious alluſion to the holy ſacrament, where he ſays, that *if Lord Weymouth be denied the cup, there will be no keeping him within the pale of the miniſtry.* Now, Sir, I affirm, that this paſſage refers entirely to a ceremonial

ceremonial in the Roman Catholic Church, which denies the cup to the laity. It has no manner of relation to the Proteſtant creed; and is in this country as fair an object of ridicule as *tranſubſtantiation*, or any other part of Lord *Peter*'s hiſtory in the Tale of the Tub.

But *Junius* is charged with equal vanity and impiety, in comparing his writings to the holy ſcripture.—The formal proteſt he makes againſt any ſuch compariſon avails him nothing. It becomes neceſſary, then, to ſhow that the charge deſtroys itſelf.—If he be *vain*, he cannot be *impious*. A vain man does not uſually compare himſelf to an object which it is his deſign to undervalue. On the other hand, if he be *impious*, he cannot be *vain*; for his impiety, if any, muſt conſiſt in his endeavouring to degrade the holy ſcriptures by a compariſon with his own contemptible writings. This would be folly indeed of the groſſeſt nature; but where lies the vanity?—I ſhall now be told,—"Sir, what you ſay is plauſible enough; "but ſtill you muſt allow that it is ſhamefully impu- "dent in *Junius* to tell us that his works will live as "long as the Bible." My anſwer is, *Agreed*; *but firſt prove that he has ſaid ſo*. Look at his words, and you will find, that the utmoſt he expects is, that the Bible and *Junius* will ſurvive the commentaries of the Jeſuits; which may prove true in a fortnight. The moſt malignant ſagacity cannot ſhow that his works are, *in his opinion*, to live as long as the Bible. Suppoſe I were to foretel, that *Jack* and *Tom* would ſurvive *Harry*—does it follow that *Jack* muſt live as long as *Tom*? I would only illuſtrate my meaning, and proteſt againſt the leaſt idea of profaneneſs.

Yet this is the way in which *Junius* is uſually anſwered, arraigned, and convicted. Theſe candid critics never remember any thing he ſays in honour of our holy religion; though it is true, that one of his

his leading arguments is made to reſt *upon the internal evidence which the pureſt of all religions carries with it.* I quote his words; and conclude from them, that he is a true and hearty Chriſtian, in ſubſtance, not in ceremony; though poſſibly he may not agree with my Reverend Lords the Biſhops, or with the head of the Church, *that prayers are morality, or that kneeling is religion.*

PHILO JUNIUS.

LETTER LVI.

FROM THE REVEREND MR. HORNE TO JUNIUS.

AUG. 17. 1771.

I Congratulate you, Sir, on the recovery of your wonted ſtile, though it has coſt you a fortnight. I compaſſionate your labour in the compoſition of your letters, and will communicate to you the ſecret of my fluency.—Truth needs no ornament; and, in my opinion, what ſhe borrows of the pencil is deformity.

You brought a poſitive charge againſt me of corruption. I denied the charge, and called for your proofs. You replied with abuſe, and reaſſerted your charge. I called again for proofs. You reply again with abuſe only, and drop your accuſation. In your fortnight's letter there is not one word upon the ſubject of my corruption.

I have no more to ſay, but to return thanks to you for your *condeſcenſion*, and to a *grateful* public and *honeſt* miniſtry for all the favours they have conferred upon me. The two latter, I am ſure, will never refuſe me any grace I ſhall ſolicit; and ſince you are pleaſed to acknowledge, that you told a deliberate lie in my favour out of bounty, and as a charitable donation, why may I not expect that you will

will hereafter (if you do not forget you ever mentioned my name with diſreſpect) make the ſame acknowledgment for what you have ſaid to my prejudice?—This ſecond recantation will perhaps be more abhorrent from your diſpoſition; but ſhould you decline it, you will only afford one more inſtance how much eaſier it is to be generous than juſt, and that men are ſometimes bountiful who are not honeſt.

At all events, I am as well ſatisfied with your panegyric as Lord Chatham can be. Monument I ſhall have none; but over my grave it will be ſaid, in your own words, "*Horne's ſituation did not correſpond "with his intentions**."

JOHN HORNE.

* The epitaph would not be ill ſuited to the character;—at the beſt, it is but equivocal.

LETTER LVII.

TO HIS GRACE THE DUKE OF GRAFTON.

MY LORD, SEPT. 28, 1771.

THE people of England are not appriſed of the full extent of their obligations to you. They have yet no adequate idea of the endleſs variety of your character. They have ſeen you diſtinguiſhed and ſucceſsful in the continued violation of thoſe moral and political duties, by which the little as well as the great ſocieties of life are collected and held together. Every colour, every character, became you. With a rate of abilities, which Lord Weymouth very juſtly looks down upon with contempt, you have done as much miſchief to the community as *Cromwell* would have done, if *Cromwell* had been a coward; and as much as *Machiaval*, if *Machiaval* had not known that an appearance of morals and religion are uſeful in ſociety. To a thinking man, the

influence of the crown will, in no view, appear ſo formidable, as when he obſerves to what enormous ſucceſſes it has ſafely conducted your Grace, without a ray of real underſtanding, without even the pretenſions to common decency or principle of any kind, or a ſingle ſpark of perſonal reſolution. What muſt be the operation of that pernicious influence (for which our Kings have wiſely exchanged the nugatory name of prerogative) that, in the higheſt ſtations, can ſo abundantly ſupply the abſence of virtue, courage, and abilities, and qualify a man to be the miniſter of a great nation, whom a private gentleman would be aſhamed and afraid to admit into his family! Like the univerſal paſſport of an ambaſſador, it ſuperſedes the prohibition of the laws, baniſhes the ſtaple virtues of the country, and introduces vice and folly triumphantly into all the departments of the ſtate. Other princes, beſides his Majeſty, have had the means of corruption within their reach; but they have uſed it with moderation. In former times, corruption was conſidered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the ſanctified religion, of *George the Third*, have taught him to new-model the civil forces of the ſtate. The natural reſources of the crown are no longer confided in. Corruption glitters in the van;—collects and maintains a ſtanding army of mercenaries, and at the ſame moment impoveriſhes and enſlaves the country. His Majeſty's predeceſſors (excepting that worthy family from which you, my Lord, are unqueſtionably deſcended) had ſome generous qualities in their compoſition, with vices, I confeſs, or frailties, in abundance. They were kings or gentlemen, not hypocrites or prieſts. They were at the head of the church, but did not know the value of their office. They ſaid their prayers without ceremony; and had too

too little prieſtcraft in their underſtanding, to reconcile the ſanctimonious forms of religion with the utter deſtruction of the morality of their people. My Lord, this is fact, not declamation. With all your partiality to the houſe of *Stuart*, you muſt confeſs, that even *Charles the Second* would have bluſhed at that open encouragement, at thoſe eager, meretricious careſſes, with which every ſpecies of private vice and public proſtitution is received at St. James's. The unfortunate houſe of *Stuart* has been treated with an aſperity which, if compariſon be a defence, ſeems to border upon injuſtice. Neither *Charles* nor his brother were qualified to ſupport ſuch a ſyſtem of meaſures as would be neceſſary to change the government, and ſubvert the conſtitution of England. One of them was too much in earneſt in his pleaſures—the other in his religion. But the danger to this country would ceaſe to be problematical, if the crown ſhould ever deſcend to a Prince, whoſe apparent ſimplicity might throw his ſubjects off their guard—who might be no libertine in behaviour—who ſhould have no ſenſe of honour to reſtrain him—and who, with juſt religion enough to impoſe upon the multitude, might have no ſcruples of conſcience to interfere with his morality. With theſe honourable qualifications, and the deciſive advantage of ſituation, low craft and falſehood are all the abilities that are wanting to deſtroy the wiſdom of ages, and to deface the nobleſt monument that human policy has erected. I know *ſuch* a man:—My Lord, I know you both; and with the bleſſing of God (for I too am religious) the people of England ſhall know you as well as I do. I am not very ſure that greater abilities would not in effect be an impediment to a deſign, which ſeems at firſt ſight to require a ſuperior capacity. A better underſtanding might make him ſenſible of the wonderful beauty of that ſyſtem he was endeavouring

to corrupt. The danger of the attempt might alarm him. The meanneſs and intrinſic worthleſſneſs of the object (ſuppoſing he could attain it) would fill him with ſhame, repentance, and diſguſt. But theſe are ſenſations which find no entrance into a barbarous, contracted heart. In ſome men, there is a malignant paſſion to deſtroy the works of genius, literature, and freedom. The Vandal and the Monk find equal gratification in it.

Reflections like theſe, my Lord, have a general relation to your Grace, and inſeparably attend you in whatever company or ſituation your character occurs to us. They have no immediate connection with the following recent fact, which I lay before the public, for the honour of the beſt of ſovereigns, and for the edification of his people.

A prince (whoſe piety and ſelf-denial, one would think, might ſecure him from ſuch a multitude of worldly neceſſities) with an annual revenue of near a million ſterling, unfortunately *wants money*. The navy of England, by an equally ſtrange concurrence of unforeſeen circumſtances (though not quite ſo unfortunately for his Majeſty) is in equal want of timber. The world knows in what a hopeful condition you delivered the navy to your ſucceſſor, and in what a condition we find it in the moment of diſtreſs. You were determined it ſhould continue in the ſituation in which you left it. It happened, however, very luckily for the privy-purſe, that one of the above wants promiſed fair to ſupply the other. Our religious, benevolent, generous Sovereign, has no objection to ſelling *his own* timber to *his own* admiralty, to repair *his own* ſhips, nor to putting the money into *his own* pocket. People of a religious turn naturally adhere to the principles of the church. Whatever they acquire falls into *mortmain*. Upon a repreſentation from the admiralty, of the extraordinary want

want of timber for the indiſpenſible repairs of the navy, the ſurveyor general was directed to make a ſurvey of the timber in all the royal chaces and foreſts in England. Having obeyed his orders with accuracy and attention, he reported, that the fineſt timber he had any where met with, and the propereſt in every reſpect for the purpoſes of the navy, was in *Whittlebury Foreſt*, of which your Grace, I think, is hereditary ranger. In conſequence of this report, the uſual warrant was prepared at the treaſury, and delivered to the ſurveyor, by which he or his deputy were authoriſed to cut down any trees in *Whittlebury Foreſt* which ſhould appear to be proper for the purpoſes above-mentioned. The deputy being informed that the warrant was ſigned and delivered to his principal in London, croſſes the country to Northamptonſhire, and with an official zeal for the public ſervice, begins to do his duty in the foreſt. Unfortunately for him, he had not the warrant in his pocket. The overſight was erroneous; and you have puniſhed him for it accordingly. You have inſiſted, that an active, uſeful officer, ſhould be diſmiſſed from his place. You have ruined an innocent man and his family. In what language ſhall I addreſs ſo black, ſo cowardly a tyrant;—thou worſe than *one* of the *Brunſwicks*, and all the *Stuarts!* To them who know Lord North, it is unneceſſary to ſay, that he was mean and baſe enough to ſubmit to you. This, however, is but a ſmall part of the fact. After ruining the ſurveyor's deputy for acting without the warrant, you attacked the warrant itſelf. You declared that it was illegal; and ſwore, in a fit of foaming, frantic paſſion, that it never ſhould be executed. You aſſerted upon your honour, that in the grant of the rangerſhip of *Whittlebury Foreſt*, made by *Charles the Second* (whom, with a modeſty that would do honour to Mr. Rigby, you are pleaſed to call your

anceſtor) to one of his baſtards (from whom I make no doubt of your deſcent) the property of the timber is veſted in the ranger. I have examined the original grant; and now, in the face of the public, contradict you directly upon the fact. The very reverſe of what you have aſſerted upon your honour is the truth. The grant, *expreſsly, and by a particular clauſe*, reſerves the property of the timber for the uſe of the crown. In ſpite of this evidence—in defiance of the repreſentations of the admiralty—in perfect mockery of the notorious diſtreſſes of the Engliſh navy, and thoſe equally preſſing and almoſt equally notorious neceſſities of your pious Sovereign—here the matter reſts. The lords of the treaſury recal their warrant; the deputy-ſurveyor is ruined for doing his duty; Mr. John Pitt (whoſe name I ſuppoſe is offenſive to you) ſubmits to be brow-beaten and inſulted; the oaks keep their ground; the King is defrauded; and the navy of England may periſh for want of the beſt and fineſt timber in the iſland. And all this is ſubmitted to, to pleaſe the Duke of Grafton! to gratify the man who has involved the King and his kingdom in confuſion and diſtreſs, and who, like a treacherous coward, deſerted his Sovereign in the midſt of it!

There has been a ſtrange alteration in your doctrines, ſince you thought it adviſeable to rob the *Duke of Portland* of his property, in order to ſtrengthen the intereſt of Lord *Bute*'s ſon-in-law before the laſt general election. *Nullum tempus occurrit regi*, was then your boaſted motto, and the cry of all your hungry partiſans. Now, it ſeems, a grant of *Charles the Second* to one of his baſtards, is to be held ſacred and inviolable! It muſt not be queſtioned by the King's ſervants, nor ſubmitted to any interpretation but your own.—My Lord, this was not the language you held, when it ſuited you to inſult the memory of the

the glorious deliverer of England from that deteſted family, to which you are ſtill more nearly allied in principle than in blood. In the name of decency and common ſenſe, what are your Grace's merits, either with King or Miniſtry, that ſhould intitle you to aſſume this domineering authority over both? Is it the fortunate conſanguinity you claim with the houſe of *Stuart?* Is it the ſecret correſpondence you have for ſo many years carried on with Lord Bute, by the aſſiduous aſſiſtance of your *cream-coloured paraſite?* Could not your gallantry find ſufficient employment for him in thoſe *gentle* offices by which he firſt acquired the tender friendſhip of *Lord Barrington?* Or is it only that wonderful ſympathy of manners which ſubſiſts between your Grace and one of your ſuperiors, and does ſo much honor to you both? Is the union of *Bliſil* and *Black George* no longer a *romance?* From whatever origin your influence in this country ariſes, it is a phenomenon in the hiſtory of human virtue and underſtanding. Good men can hardly believe the fact. Wiſe men are unable to account for it. Religious men find exerciſe for their faith; and make it the laſt effort of their piety, not to repine againſt providence.

JUNIUS.

LETTER LVIII.

ADDRESSED TO THE LIVERY OF LONDON.

GENTLEMEN, SEPT. 30, 1771.

IF *you* alone were concerned in the event of the preſent election of the chief magiſtrate of the metropolis, it would be the higheſt preſumption in a ſtranger to attempt to influence your choice, or even to offer you his opinion. But the ſituation of public affairs has annexed an extraordinary importance

to

to your reſolutions. You cannot, in the choice of your magiſtrate, determine for *yourſelves only*. You are going to determine upon a point in which every member of the community is intereſted. I will not ſcruple to ſay, that the very being of that law, of that right of that conſtitution, for which we have been ſo long contending, is now at ſtake. They who would enſnare your judgment tell you, it is a *common*, *ordinary* caſe, and to be decided by ordinary precedent and practice. They artfully conclude from moderate peaceable times, to times which *are not* moderate, and which *ought not* to be peaceable.—While they ſolicit your favour, they inſiſt upon a rule of rotation which excludes all idea of election.

Let me be honored with a few minutes of your attention. The queſtion, to thoſe who mean fairly to the liberty of the people, (which we all profeſs to have in view) lies within a very narrow compaſs.—Do you mean to deſert that juſt and honorable ſyſtem of meaſures which you have hitherto purſued, in hopes of obtaining from parliament, or from the crown, a full redreſs of paſt grievances, and a ſecurity for the future? Do you think the cauſe deſperate, and will you declare that you think ſo, to the whole people of England? If this be your meaning and opinion, you will act conſiſtently with it in chooſing Mr. *Naſh*. I profeſs to be unacquainted with his private character. But he has acted as a magiſtrate, as a public man. As ſuch I ſpeak of him. I ſee his name in a proteſt againſt one of your remonſtrances to the crown. He has done every thing in his power to deſtroy the freedom of popular elections in the city, by publiſhing the poll upon a former occaſion; and I know in general, that he has diſtinguiſhed himſelf, by ſlighting and thwarting all thoſe public meaſures which *you* have engaged in with the greateſt warmth, and hitherto thought moſt worthy

worthy of your approbation. From his paſt conduct, what concluſion will you draw, but that he will act the ſame part as *Lord Mayor* which he has invariably acted as *Alderman* and *Sheriff?* He cannot alter his conduct without confeſſing that he never acted upon principle of any kind. I ſhould be ſorry to injure the character of a man, who perhaps may be honeſt in his intention, by ſuppoſing it *poſſible* that he can ever concur with you in any political meaſure or opinion.

If, on the other hand, you mean to perſevere in thoſe reſolutions for the public good, which, though not always ſucceſsful, are always honorable, your choice will naturally incline to thoſe men who (whatever they be in other reſpects) are moſt likely to cooperate with you in the great purpoſes which you are determined not to relinquiſh. The queſtion is not of what metal your inſtruments are made, but *whether they are adapted to the work you have in hand.* The honors of the city, *in theſe times*, are improperly, becauſe excluſively, called a *reward.* You mean not merely to *pay*, but to *employ.* Are Mr. *Croſby* and Mr. *Sawbridge* likely to execute the extraordinary as well as the ordinary duties of Lord Mayor? Will they grant you common-halls when it ſhall be neceſſary? Will they go up with remonſtrances to the King? Have they firmneſs enough to meet the fury of a venal houſe of commons? Have they fortitude enough not to ſhrink at impriſonment? Have they ſpirit enough to hazard their lives and fortunes in a conteſt, if it ſhould be neceſſary, with a proſtituted legiſlature? If theſe queſtions can fairly be anſwered in the affirmative, your choice is made. Forgive this paſſionate language. I am unable to correct it. The ſubject comes home to us all. It is the language of my heart.

JUNIUS.

LETTER

LETTER LIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, Oct. 5, 1771.

NO man laments more ſincerely than I do, the unhappy differences which have ariſen among the friends of the people, and divided them from each other. The cauſe undoubtedly ſuffers as well by the diminution of that ſtrength which union carries along with it, as by the ſeparate loſs of perſonal reputation which every man ſuſtains when his character and conduct are frequently held forth in odious or contemptible colours. Theſe differences are only advantageous to the common enemy of the country. The hearty friends of the cauſe are provoked and diſguſted. The lukewarm advocate avails himſelf of any pretence to relapſe into that indolent indifference about every thing that ought to intereſt an Engliſhman, ſo unjuſtly dignified with the title of moderation. The falſe, inſidious partiſan, who creates or foments the diſorder, ſees the fruit of his diſhoneſt induſtry ripen beyond his hopes, and rejoices in the promiſe of a banquet, only delicious to ſuch an appetite as his own. It is time for thoſe who really mean the *Cauſe* and the *People*, who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of perſonal animoſities, it is time for ſuch men to interpoſe. Let us try whether theſe fatal diſſenſions may not yet be reconciled; or, if that be impracticable, let us guard at leaſt againſt the worſt effects of diviſion, and endeavour to perſuade theſe furious partiſans, if they will not conſent to draw together, to be ſeparately uſeful to that cauſe which they all pretend to be attached to. Honor and honeſty muſt not be renounced, although a thouſand modes of

of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Chriſtianity may ſtill be preſerved, though every zealous ſectary adheres to his own excluſive doctrine, and pious eccleſiaſtics make it part of their religion to perſecute one another. The civil conſtitution too, that legal liberty, that general creed, which every Engliſhman profeſſes, may ſtill be ſupported, though Wilkes, and Horne, and Townſhend, and Sawbridge, ſhould obſtinately refuſe to communicate; and even if the fathers of the church, if Savile, Richmond, Camden, Rockingham, and Chatham, ſhould diſagree in the ceremonies of their political worſhip, and even in the interpretation of twenty texts in Magna Charta. I ſpeak to the people as one of the people. Let us employ theſe men in whatever departments their various abilities are beſt ſuited to, and as much to the advantage of the common cauſe as their different inclinations will permit. They cannot ſerve *us*, without eſſentially ſerving themſelves. If Mr. *Naſh* be elected, he will hardly venture, after ſo recent a mark of the perſonal eſteem of his fellow citizens, to declare himſelf immediately a courtier. The ſpirit and activity of the ſheriffs, will, I hope, be ſufficient to counteract any ſiniſter intentions of the Lord Mayor. In collition with *their* virtue, perhaps, he may take fire.

It is not neceſſary to exact from Mr. Wilkes the virtues of a Stoic. They were inconſiſtent with themſelves, who, almoſt at the ſame moment, repreſented him as the baſeſt of mankind, yet ſeemed to expect from him ſuch inſtances of fortitude and ſelf-denial as would do honor to an apoſtle. It is not however flattery to ſay, that he is obſtinate, intrepid, and fertile in expedients. That he has no poſſible reſource, but in the public favour is, in my judgment,

ment, a conſiderable recommendation of him. I wiſh that every man who pretended to popularity were in the ſame predicament. I wiſh that a retreat to St. James's were not ſo eaſy and open as patriots have found it. To Mr. Wilkes there is no acceſs. However he may be miſled by paſſion or imprudence, I think he cannot be guilty of a deliberate treachery to the public. The favour of his country conſtitutes the ſhield which defends him againſt a thouſand daggers. Deſertion would diſarm him.

I can more readily admire the liberal ſpirit and integrity, than the ſound judgment, of any man, who prefers a republican form of government, in this or any other empire of equal extent, to a monarchy ſo qualified and limited as ours. I am convinced, that neither is it in theory the wiſeſt ſyſtem of government, nor practicable in this country. Yet, though I hope the Engliſh conſtitution will for ever preſerve its original monarchical form, I would have the manners of the people purely and ſtrictly republican. I do not mean the licentious ſpirit of anarchy and riot. I mean a general attachment to the commonweal, diſtinct from any partial attachment to perſons or families; an implicit ſubmiſſion to the laws only, and an affection to the magiſtrate, proportioned to the integrity and wiſdom with which he diſtributes juſtice to his people, and adminiſters their affairs. The preſent habit of our political body appears to me the very reverſe of what it ought to be. The form of the conſtitution leans rather more than enough to the popular branch; while, in effect, the manners of the people (of thoſe at leaſt who are likely to take a lead in the country) incline too generally to a dependence upon the crown. The real friends of arbitrary power combine the facts, and are not inconſiſtent with their principles when they ſtrenuouſly ſupport

port the unwarrantable privileges assumed by the House of Commons. In these circumstances, it were much to be desired, that we had many such men as Mr. Sawbridge to represent us in Parliament. I speak from common report and opinion only, when I impute to him a speculative predilection in favour of a republic. In the personal conduct and manners of the man, I cannot be mistaken. He has shown himself possessed of that republican firmness which the times require; and by which an English gentleman may be as usefully and as honorably distinguished, as any citizen of ancient Rome, of Athens, or Lacedemon.

Mr. Townshend complains, that the public gratitude has not been answerable to his deserts. It is not difficult to trace the artifices which have suggested to him a language so unworthy of his understanding. A great man commands the affections of the people. A prudent man does not complain when he has lost them. Yet they are far from being lost to Mr. Townshend. He has treated our opinion a little too cavalierly. A young man is apt to rely too confidently upon himself, to be as attentive to his mistress as a polite and passionate lover ought to be. Perhaps he found her at first too easy a conquest. Yet, I fancy, she will be ready to receive him whenever he thinks proper to renew his addresses. With all his youth, his spirit, and his appearance, it would be indecent in the lady to solicit his return.

I have too much respect for the abilities of Mr. Horne, to flatter myself that these gentlemen will ever be cordially re-united. It is not, however, unreasonable to expect, that each of them should act his separate part with honor and integriry to the public. As for the differences of opinion upon speculative questions, if we wait until *they* are reconciled, the action of human affairs must be suspended for ever.

But neither are we to look for perfection in any one man, nor for agreement among many. When *Lord Chatham* affirms, that the authority of the Britiſh legiſlature is not ſupreme over the colonies in the ſame ſenſe in which it is ſupreme over Great Britain; when *Lord Camden* ſuppoſes a neceſſity (which the King is to judge of) and, founded upon that neceſſity, attributes to the crown a legal power (not given by the act itſelf) to ſuſpend the operation of an act of the legiſlature—I liſten to them both with diffidence and reſpect, but without the ſmalleſt degree of conviction or aſſent. Yet, I doubt not, they delivered their real ſentiments; nor ought they to be haſtily condemned. *I too* have a claim to the candid interpretation of my country, when I acknowledge an involuntary, compulſive aſſent to one very unpopular opinion. I lament the unhappy neceſſity, whenever it ariſes, of providing for the ſafety of the ſtate, by a temporary invaſion of the perſonal liberty of the ſubject. Would to God it were practicable to reconcile theſe important objects, in every poſſible ſituation of public affairs! I regard the legal liberty of the meaneſt man in Britain as much as my own, and would defend it with the ſame zeal. I know we muſt ſtand or fall together. But I never can doubt, that the community has a right to command, as well as to purchaſe, the ſervice of its members. I ſee that right founded originally upon a neceſſity, which ſuperſedes all argument. I ſee it eſtabliſhed by uſage immemorial, and admitted by more than a tacit aſſent of the legiſlature. I conclude there is no remedy, in the nature of things, for the grievance complained of; for, if there were, it muſt long ſince have been redreſſed. Though numberleſs opportunities have preſented themſelves highly favourable to public liberty, no ſucceſsful attempt has ever been made for the relief of the ſubject in this article. Yet it has been felt and complained of ever ſince England had

had a navy. The conditions which conſtitute this right, muſt be taken together. Separately, they have little weight. It is not fair to argue, from any abuſe in the execution, to the illegality of the power; much leſs is a concluſion to be drawn from the navy to the land ſervice. A ſeaman can never be employed but againſt the enemies of his country. The only caſe in which the King can have a right to arm his ſubjects in general, is that of a foreign force being actually landed upon our coaſt. Whenever that caſe happens, no true Engliſhman will inquire whether the King's right to compel him to defend his country, be the cuſtom of England, or a grant of the legiſlature. With regard to the preſs for ſeamen, it does not follow that the ſymptoms may not be ſoftened, although the diſtemper cannot be cured. Let bounties be increaſed as far as the public purſe can ſupport them. Still they have a limit; and when every reaſonable expence is incurred, it will be found, in fact, that the ſpur of the preſs is wanted to give operation to the bounty.

Upon the whole, I never had a doubt about the ſtrict right of preſſing, until I heard that Lord Mansfield had applauded Lord Chatham for delivering ſomething like this doctrine in the houſe of Lords. That conſideration ſtaggered me not a little. But, upon reflection, his conduct accounts naturally for itſelf. He knew the doctrine was unpopular, and was eager to fix it upon the man who is the firſt object of his fear and deteſtation. The cunning Scotchman never ſpeaks truth without a fraudulent deſign. In council, he generally affects to take a moderate part. Beſides his natural timidity, it makes part of his political plan, never to be known to recommend violent meaſures. When the guards are called forth to murder their fellow-ſubjects, it is not by the oſtenſible advice of Lord Mansfield. That odious office,

his prudence tells him, is better left to ſuch men as Gower and Weymouth, as Barrington and Grafton. Lord Hilſborough wiſely confines *his* firmneſs to the diſtant Americans. The deſigns of Mansfield are more ſubtle, more effectual, and ſecure. Who attacks the liberty of the preſs?—Lord Mansfield.—Who invades the conſtitutional power of juries?—Lord Mansfield.—What judge ever challenged a juryman, but Lord Mansfield?—Who was that judge, who, to ſave the King's brother, affirmed that a man of the firſt rank and quality, who obtains a verdict in a ſuit for criminal converſation, is intitled to no greater damages than the meaneſt mechanic?—Lord Mansfield.—Who is it makes commiſſioners of the great ſeal?—Lord Mansfield.—Who is it forms a decree for thoſe commiſſioners, deciding againſt Lord Chatham, and afterwards (finding himſelf oppoſed by the judges) declares in parliament, that he never had a doubt that the law was in direct oppoſition to that decree?—Lord Mansfield.—Who is he that has made it the ſtudy and practice of his life, to undermine and alter the whole ſyſtem of juriſprudence in the court of King's-Bench?—-Lord Mansfield. There never exiſted a man but himſelf, who anſwered exactly to ſo complicated a deſcription. Compared to theſe enormities, his original attachment to the Pretender (to whom his deareſt brother was confidential ſecretary) is a virtue of the firſt magnitude. But the hour of impeachment *will* come, and neither he nor Grafton ſhall eſcape me. Now let them make common cauſe againſt England and the houſe of Hanover. A Stuart and a Murray ſhould ſympathiſe with each other.

When I refer to ſignal inſtances of unpopular opinions delivered and maintained by men who may well be ſuppoſed to have no view but the public good, I do not mean to renew the diſcuſſion of ſuch opinions,

ons. I ſhould be ſorry to revive the dormant queſtions of *Stamp-act*, *Corn-bill*, or *Preſs-warrant*. I mean only to illuſtrate one uſeful propoſition, which it is the intention of this paper to inculcate; *that we ſhould not generally reject the friendſhip or ſervices of any man becauſe he differs from us in a particular opinion.* This will not appear a ſuperfluous caution, if we obſerve the ordinary conduct of mankind. In public affairs there is the leaſt chance of a perfect concurrence of ſentiment or inclination. Yet every man is able to contribute ſomething to the common ſtock; and no man's contribution ſhould be rejected. If individuals have no virtues, their vices may be of uſe to us. I care not with what principle the new-born patriot is animated, if the meaſures he ſupports are beneficial to the community. The nation is intereſted in his conduct. His motives are his own. The properties of a patriot are periſhable in the individual; but there is a quick ſucceſſion of ſubjects, and the breed is worth preſerving. The ſpirit of the Americans may be an uſeful example to us. Our dogs and horſes are only Engliſh upon Engliſh ground; but patriotiſm, it ſeems, may be improved by tranſplanting. I will not reject a bill which tends to confine parliamentary privilege within reaſonable bounds, though it ſhould be ſtolen from the houſe of Cavendiſh, and introduced by Mr. Onſlow. The features of the infant are a proof of the deſcent, and vindicate the noble birth from the baſeneſs of the adoption. I willingly accept of a ſarcaſm from *Bolonel Barre*, or a ſimile from Mr. *Burke*. Even the ſilent vote of Mr. *Calcraft* is worth reckoning in a diviſion. What though he riots in the plunder of the army, and has only determined to be a patriot when he could not be a peer?—Let us profit by the aſſiſtance of ſuch men while they are with us, and place them, if it be poſſible, in the poſt of danger, to prevent de-

ſertion. The wary *Wedderburne*, the pompous *Suffolk*, never threw away the ſcabbard, nor ever went upon a forlorn hope. They always treated the King's ſervants as men with whom, ſome time or other, they might poſſibly be in friendſhip. When a man who ſtands forth for the public has gone that length from which there is no practicable retreat, when he has given that kind of perſonal offence which a pious monarch never pardons, I then begin to think him in earneſt, and that he never will have occaſion to ſolicit the forgiveneſs of his country. But inſtances of a determination ſo entire and unreſerved are rarely met with. Let us take mankind *as they are*. Let us diſtribute the virtues and abilities, of individuals according to the offices they affect; and, when they quit the ſervice, let us endeavour to ſupply their places with better men than we have loſt. In this country, there are always candidates enough for popular favour. The temple of *fame* is the ſhorteſt paſſage to riches and preferment.

Above all things, let me guard my countrymen againſt the meanneſs and folly of accepting of a trifling or moderate compenſation for extraordinary and eſſential injuries. Our enemies treat us as the cunning trader does the unſkilful Indian. They magnify their generoſity, when they give us baubles of little proportionate value, for ivory and gold.—The ſame houſe of commons, who robbed the conſtituent body of their right of free election; who preſumed to *make* a law, under pretence of *declaring* it; who paid our good King's debts, without once inquiring how they were incurred; who gave thanks for repeated murders committed at home, and for national infamy incurred abroad; who ſcreened *Mansfield*; who impriſoned the magiſtrates of the metropolis, for aſſerting the ſubject's right to the protection of the laws; who eraſed a judicial record,

and

and ordered all proceedings in a criminal ſuit to be ſuſpended;—this very houſe of commons have graciouſly conſented, that their own members may be compelled to pay their debts, and that conteſted elections ſhall, for the future, be determined with ſome decent regard to the merits of the caſe. The event of the ſuit is of no conſequence to the crown.—While parliaments are ſeptennial, the purchaſe of the ſitting member or of the petitioner makes but the difference of a day. Conceſſions, ſuch as theſe, are of little moment to the ſum of things; unleſs it be to prove that the worſt of men are ſenſible of the injuries they have done us, and perhaps to demonſtrate to us the imminent danger of our ſituation. In the ſhip-wreck of the ſtate, trifles float and are preſerved; while every thing ſolid and valuable ſinks to the bottom, and is loſt for ever.

JUNIUS.

LETTER LX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCT. 15, 1771.

I Am convinced that *Junius* is incapable of wilfully miſrepreſenting any man's opinion, and that his inclination leads him to treat *Lord Camden* with particular candour and reſpect. The doctrine attributed to him by *Junius*, as far as it goes, correſponds with that ſtated by your correſpondent *Scævola*, who ſeems to make a diſtinction without a difference.—*Lord Camden*, it is agreed, did certainly maintain, that, in the receſs of parliament, the King (by which we all mean the *King in council*, or the executive power) might ſuſpend the operation of an act of the legiſlature; and he founded his doctrine upon a ſuppoſed neceſſity, of which the King, *in the firſt inſtance*,

ſtance, muſt be judge. The lords and commons cannot be judges of it in the firſt inſtance, for they do not exiſt. Thus far *Junius*.

But, ſays *Scævola*, *Lord Camden* made *parliament*, and not the *King*, judges of the neceſſity. That parliament may review the acts of miniſters, is unqueſtionable; but there is a wide difference between ſaying that the crown has a *legal* power, and that miniſters may act *at their peril*. When we ſay that an act is *illegal*, we mean that it is forbidden by a joint reſolution of the three eſtates. How a ſubſequent reſolution of two of thoſe branches can make it *legal ab initio*, will require explanation. If it could, the conſequence would be truly dreadful, eſpecially in theſe times. There is no act of arbitrary power which the King might not attribute to *neceſſity*, and for which he would not be ſecure of obtaining the approbation of his proſtituted lords and commons. If *Lord Camden* admits that the ſubſequent ſanction of parliament was neceſſary to make the proclamation *legal*, why did he ſo obſtinately oppoſe the bill which was ſoon after brought in for indemnifying all thoſe perſons who had acted under it? If that bill had not been paſſed, I am ready to maintain, in direct contradiction to Lord Camden's doctrine (taken as *Scævola* ſtates it) that a litigious exporter of corn, who had ſuffered in his property in conſequence of the proclamation, might have laid his action againſt the cuſtom-houſe officers, and would infallibly have recovered damages. No jury could refuſe them; and if I, who am by no means litigious, had been ſo injured, I would aſſuredly have inſtituted a ſuit in Weſtminſter-hall, on purpoſe to try the queſtion of right. I would have done it upon a principle of defiance of the pretended power of either or both houſes to make declarations inconſiſtent with law; and I have no doubt that, with an act of parliament

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on my ſide, I ſhould have been too ſtrong for them all. This is the way in which an Engliſhman ſhould ſpeak and act; and not ſuffer dangerous precedents to be eſtabliſhed, becauſe the circumſtances are favourable or palliating.

With regard to *Lord Camden*, the truth is, that he inadvertently overſhot himſelf, as appears plainly by that unguarded mention of *a tyranny of forty days*, which I myſelf heard. Inſtead of aſſerting, that the proclamation was *legal*, he *ſhould* have ſaid, "My "Lords, I know the proclamation was *illegal*; but "I adviſed it becauſe it was indiſpenſibly neceſſary "to ſave the kingdom from famine; and I ſubmit "myſelf to the juſtice and mercy of my country."

Such language as this would have been manly, rational, and conſiſtent:—not unfit for a lawyer, and every way worthy of a great man.

PHILO JUNIUS.

P. S. If *Scævola* ſhould think proper to write again upon this ſubject, I beg of him to give me a *direct* anſwer, that is, a plain affirmative or negative, to the following queſtions:—In the interval between the publiſhing ſuch a proclamation (or order of council) as that in queſtion, and its receiving the ſanction of the two houſes, of what nature is it? is it *legal* or *illegal?* or is it neither one nor the other? I mean to be candid, and will point out to him the conſequence of his anſwer either way. If it be *legal*, it wants no farther ſanction; if it be *illegal*, the ſubject is not bound to obey it; conſequently it is an uſeleſs, nugatory act, even as to its declared purpoſe. Before the meeting of Parliament, the whole miſchief, which it means to prevent, will have been completed.

LETTER

LETTER LXI.

TO ZENO.

SIR, OCT. 17, 1771.

THE ſophiſtry of your letter in defence of Lord *Mansfield*, is adapted to the character you defend. But Lord *Mansfield* is a man of *form*, and ſeldom in his behaviour tranſgreſſes the rules of decorum. I ſhall imitate his Lordſhip's good manners, and leave you in full poſſeſſion of his principles. I will not call you *liar*, *jeſuit*, or *villain*; but, with all the politeneſs imaginable, perhaps I may prove you ſo.

Like other fair pleaders in Lord *Mansfield*'s ſchool of juſtice, you anſwer *Junius* by miſquoting his words, and miſtating his propoſitions. If I am candid enough to admit that this is the very logic taught at *St. Omer*'s, you will readily allow that it is the conſtant practice in the court of *King's-Bench*. JUNIUS *does not ſay*, that he never had a doubt about the ſtrict right of preſſing, *till he knew Lord Mansfield was of the ſame opinion*. His words are, *Until he heard that Lord Mansfield had applauded Lord Chatham for maintaining that doctrine in the houſe of Lords*. It was not the accidental concurrence of Lord Mansfield's opinion, but the ſuſpicious applauſe given by a cunning Scotchman to the man he deteſts, that raiſed and juſtified a doubt in the mind of *Junius*. The queſtion is not, Whether Lord Mansfield be a man of learning and abilities (which *Junius* has never diſputed) but, Whether or no he abuſes and miſappplies his talents?

Junius did *not* ſay that Lord Mansfield had adviſed the calling out the Guards. On the contrary, his plain meaning is, that he left that odious office to men

men leſs cunning than himſelf. Whether Lord Mansfield's doctrine concerning libels be or be not an attack upon the liberty of the preſs, is a queſtion which the public in general are very well able to determine. I ſhall not enter into it at preſent. Nor do I think it neceſſary to ſay much to a man, who had the daring confidence to ſay to a jury, "Gentlemen, you are to bring in a verdict *guilty* or not "*guilty*; but whether the defendant be guilty or innocent, is not matter for *your* conſideration."—Clothe it in what language you will, this is the ſum total of Lord Mansfield's doctrine. If not, let *Zeno* ſhow us the difference.

But it ſeems, *the liberty of the preſs may be abuſed, and the abuſe of a valuable privilege is the certain means to loſe it.* The *firſt* I admit:—but let the *abuſe* be ſubmitted to a jury; a ſufficient, and indeed the only legal and conſtitutional check upon the licence of the preſs. The *ſecond* I flatly deny. In direct contradiction to Lord *Mansfield*, I affirm, "that the abuſe of a valuable privilege *is not* the "*certain* means to loſe it." If it were, the Engliſh nation would have few privileges left; for where is the privilege that has not, at one time or other, been abuſed by individuals. But it is falſe in reaſon and equity, that particular abuſes ſhould produce a general forfeiture. Shall the community be deprived of the protection of the laws, becauſe there are robbers and murderers? Shall the community be puniſhed, becauſe individuals have offended? Lord Mansfield ſays ſo, conſiſtently enough with his principles; but I wonder to find him ſo explicit. Yet, for one conceſſion, however extorted, I confeſs myſelf obliged to him: the liberty of the preſs is, after all, a *valuable privilege*. I agree with him moſt heartily, and will defend it againſt him.

You

You aſk me, What *juryman* was challenged by Lord Mansfield? I tell you his name is *Benſon*. When his name was called, Lord Mansfield ordered the clerk to paſs him by. As for his reaſons, you may aſk himſelf, for he aſſigned none: but I can tell you what all men thought of it. This *Benſon* had been refractory upon a former jury, and would not accept of the law as delivered by Lord Mansfield; but had the impudence to pretend to think for himſelf. But you, it ſeems, honeſt *Zeno*, know nothing of the matter. You never read *Junius*'s letter to your patron: you never heard of the intended inſtructions from the city to impeach Lord Mansfield: you never heard by what dexterity of Mr. *Paterſon* that meaſure was prevented. How wonderfully ill ſome people are informed!

Junius did *never* affirm, that the crime of ſeducing the wife of a mechanic or a peer, is not the ſame, taken in a moral or religious view. What he affirmed, in contradiction to the levelling principle ſo lately adopted by Lord Mansfield, was, *that the damages ſhould be proportioned to the rank and fortune of the parties*; and for this plain reaſon (admitted by every other judge that ever ſat in Weſtminſter-hall) becauſe, what is a compenſation or penalty to one man, is none to another. The ſophiſtical diſtinction you attempt to draw between the perſon *injured* and the perſon *injuring*, is *Mansfield* all over. If you can once eſtabliſh the propoſition, that the injured party is not intitled to *receive* large damages, it follows pretty plainly, that the party *injuring* ſhould not be compelled to *pay* them; conſequently the King's brother is effectually ſcreened by Lord *Mansfield*'s doctrine. Your reference to *Nathan* and *David* come naturally in aid of your patron's profeſſed ſyſtem of juriſprudence. He is fond of introducing into the *court of King's-Bench* any law that contradicts

dicts or excludes the common law of England; whether it be *canon*, *civil*, *jus gentium*, or *Levetical*. But, Sir, the Bible is the code of our religious faith, not of our municipal juriſprudence; and though it was the pleaſure of God to inflict a particular puniſhment upon David's crime (taken as a breach of his divine commands) and to ſend his prophet to denounce it, an Engliſh jury have nothing to do either with David or the prophet. They conſider the crime only as it is a breach of order, an injury to an individual, and an offence to ſociety; and they judge of it by certain poſitive rules of law, or by the practice of their anceſtors. Upon the whole, the man *after God's own heart* is much indebted to you for comparing him to the Duke of Cumberland. That his Royal Highneſs may be the man after Lord *Mansfield*'s own heart, ſeems much more probable; and you, I think, Mr. *Zeno*, might ſucceed tolerably well in the character of *Nathan*. The evil deity, the prophet, and the royal ſinner, would be very proper company for one another.

You ſay Lord Mansfield did not *make* the commiſſioners of the great ſeal, and that he only adviſed the King to appoint. I believe *Junius* meant no more; and the diſtinction is hardly worth diſputing.

You ſay he *did not* deliver an opinion upon Lord Chatham's appeal.—I affirm that he *did*, directly in favour of the appeal. This is a point of fact, to be determined by evidence only. But you aſſign no reaſon for his ſuppoſed ſilence, nor for his deſiring a conference with the judges the day before. Was not all Weſtminſter-hall convinced that he did it with a view to puzzle them with ſome perplexing queſtion, and in hopes of bringing ſome of them over to him? You ſay the commiſſioners were *very capable of framing a decree for themſelves*. By the fact, it only appears, that they were capable of framing an *illegal*

one; which, I apprehend, is not much to the credit either of their learning or integrity.

We are both agreed, that Lord *Mansfield* has inceſſantly laboured to introduce new modes of proceeding in the court where he preſides; but *you* attribute it to an honeſt zeal in behalf of innocence oppreſſed by quibble and chicane. I ſay, that he has introduced *new law* too, and removed the landmarks eſtabliſhed by former deciſions. I ſay that his view is to change a court of common law into a court of equity, and to bring every thing within the *arbitrium* of a *prætorian* court. The public muſt determine between us. *But now for his merits.* *Firſt*, then, the eſtabliſhment of the judges in their places for life (which you tell us was adviſed by Lord Mansfield) was a conceſſion merely to catch the people. It bore the appearance of a royal bounty, but had nothing real in it. The judges were already for life, excepting in the caſe of a *demiſe*. Your boaſted bill only provides, that it ſhall not be in the power of the King's ſucceſſor to remove them. At the beſt, therefore, it is only a legacy, not a gift, on the part of his preſent Majeſty, ſince for himſelf he gives up nothing.—That he did oppoſe Lord *Camden* and Lord *Northington* upon the proclamation againſt the exportation of corn, is moſt true, and with great ability. With his talents, and taking the right ſide of ſo clear a queſtion, it was impoſſible to ſpeak ill. His motives are not ſo eaſily penetrated. They who are acquainted with the ſtate of politics at that period, will judge of them ſomewhat differently from *Zeno*. Of the popular bills, which you ſay he ſupported in the houſe of Lords, the moſt material is unqueſtionably that of Mr. *Grenville*, for deciding conteſted elections. But I ſhould be glad to know upon what poſſible pretence any member of the Upper Houſe could oppoſe ſuch a bill after it had paſſed the *houſe of commons?*

mons? I do not pretend to know what ſhare he had in promoting the other two bills; but I am ready to give him all the credit you deſire. Still you will find, that a whole life of deliberate iniquity is ill atoned for, by doing now and then a laudable action upon a mixed or doubtful principle. If it be unworthy of him, thus ungratefully treated, to labour any longer for the public, in God's name let him retire. His brother's patron (whoſe health he once was anxious for) is dead; but the ſon of that unfortunate prince ſurvives, and, I dare ſay, will be ready to receive him.

PHILO JUNIUS.

LETTER LXII.

TO AN ADVOCATE IN THE CAUSE OF THE PEOPLE.

SIR, OCT. 18, 1771.

YOU do not treat *Junius* fairly. You would not have condemned him ſo haſtily, if you had ever read Judge *Foſter*'s argument upon the legality of preſſing ſeamen. A man who has not read that argument, is not qualified to ſpeak accurately upon the ſubject. In anſwer to ſtrong facts and fair reaſoning, you produce nothing but a vague compariſon between two things which have little or no reſemblance to each other. *General warrants*, it is true, had been often iſſued; but they had never been regularly queſtioned or reſiſted until the caſe of Mr. *Wilkes*. He brought them to trial; and the moment they were tried, they were declared *illegal*. This is not the caſe of *Preſs-warrants*. They have been complained of, queſtioned, and reſiſted in a thouſand inſtances; but ſtill the legiſlature have never interpoſed, nor has there ever been a formal deciſion againſt them in any of the ſuperior courts. On the contrary, they have

been frequently recogniſed and admitted by parliament; and there are judicial opinions given in their favour by judges of the firſt character. Under the various circumſtances ſtated by *Junius*, he has a right to conclude *for himſelf*, that there is no remedy. If you have a good one to propoſe, you may depend upon the aſſiſtance and applauſe of *Junius*. The magiſtrate who guards the liberty of the individual, deſerves to be commended. But let him remember, that it is alſo his duty to provide for, or at leaſt not to hazard, the ſafety of the community. If in the caſe of a foreign war, and the expectation of an invaſion, you would rather keep your fleet in harbour, than man it by preſſing ſeamen who refuſe the bounty, I have done.

You talk of diſbanding the army with wonderful eaſe and indifference. If a wiſer man held ſuch language, I ſhould be apt to ſuſpect his ſincerity.

As for keeping up a *much greater* number of ſeamen in time of peace, it is not to be done. You will oppreſs the merchant, you will diſtreſs trade, and deſtroy the nurſery of your ſeamen. He muſt be a miſerable ſtateſman, who voluntarily by the ſame act increaſes the public expence, and leſſens the means of ſupporting it.

PHILO JUNIUS.

LETTER LXIII.

OCT. 22, 1771.

A Friend of *Junius* deſires it may be obſerved, (in anſwer to *A Barriſter at Law*)

1*mo*, That the fact of Lord Mansfield's having ordered a juryman to be paſſed by (which poor *Zeno* never heard of) is now formally admitted.

When

When Mr. *Benſon*'s name was called, Lord *Mansfield* was obſerved to fluſh in the face, (a ſignal of guilt not uncommon with him) and cried out, *Paſs him by*. This I take to be ſomething more than a peremptory challenge. It is an *unlawful command*, without any reaſon aſſigned. That the counſel did not reſiſt, is true; but this might happen either from inadvertence, or a criminal complaiſance to Lord Mansfield. You *Barriſters* are too apt to be civil to my Lord Chief Juſtice, at the expence of your clients.

2*do*, *Junius* did never ſay that Lord Mansfield had *deſtroyed* the liberty of the preſs. "That his Lord-"ſhip has *laboured to deſtroy*,—that his doctrine is an "*attack* upon the liberty of the preſs,—that it is an "*invaſion* of the right of juries," are the propoſitions maintained by *Junius*. His opponents never anſwer him in point, for they never meet him fairly upon his own ground.

3*tio*, Lord *Mansfield*'s policy, in endeavouring to ſcreen his unconſtitutional doctrines behind an act of the legiſlature, is eaſily underſtood. Let every Engliſhman ſtand upon his guard; the right of juries to return a general verdict, in all caſes whatſoever, is a part of our conſtitution. It ſtands in no need of a bill, either *enacting* or *declaratory*, to confirm it.

4*to*, With regard to the *Groſvenor cauſe*, it is pleaſant to obſerve, that the doctrine, attributed by *Junius* to Lord Mansfield, is admitted by *Zeno* and directly defended. The *Barriſter* has not the aſſurance to deny it flatly; but he evades the charge, and ſoftens the doctrine by ſuch poor, contemptible quibbles as cannot impoſe upon the meaneſt underſtanding.

5*to*, The quantity of buſineſs in the *court of King's Bench* proves nothing but the litigious ſpirit of the people, ariſing from the great increaſe of wealth and commerce. Theſe, however, are now upon the de-

cline, and will ſoon leave nothing but *law-ſuits* behind them. When *Junius* affirms that Lord Mansfield has laboured to alter the ſyſtem of juriſprudence in the court where his Lordſhip preſides, he ſpeaks to thoſe who are able to look a little farther than the vulgar. Beſides that the multitude are eaſily deceived by the impoſing names of *equity* and *ſubſtantial juſtice*, it does not follow, that a judge, who introduces into his court new modes of proceeding and new principles of law, intends, *in every inſtance*, to decide unjuſtly. Why ſhould he, where he has no intereſt? We ſay that Lord Mansfield is a bad *man*, and a worſe *judge*; but we do not ſay that he is a *mere devil*. Our adverſaries would fain reduce us to the difficulty of proving too much. This artifice, however, ſhall not avail him. The truth of the matter is plainly this. When *Lord Mansfield* has ſucceeded in his ſcheme of changing a court of *common law* to a court of *equity*, he will have it in his power to do injuſtice *whenever he thinks proper*. This, though a wicked purpoſe, is neither abſurd nor unattainable.

6*to*, The laſt paragraph relative to *Lord Chatham*'s cauſe cannot be anſwered. It partly refers to facts of too ſecret a nature to be aſcertained, and partly is unintelligible. "Upon *one* point, the cauſe is decid-"ed againſt Lord Chatham.—Upon *another* point, "it is decided for him."—Both the *law* and the *language* are well ſuited to a *Barriſter!* If I have any gueſs at this honeſt gentleman's meaning, it is, That "whereas the commiſſioners of the great ſeal "ſaw the queſtion in a point of view unfavourable "to *Lord Chatham*, and decreed accordingly,—Lord "Mansfield, out of ſheer love and kindneſs to Lord "Chatham, took the pains to place it in a point of "view more favourable to the *appellant*."—*Credat Judæus Appella*. So curious an aſſertion would ſtagger the faith of Mr. *Sylva*.

LETTER

LETTER LXIV.

Nov. 2, 1771.

WE are desired to make the following declaration, in behalf of *Junius*, upon three material points, on which his opinion has been mistaken or misrepresented.

1*mo*, *Junius* considers the right of taxing the colonies, by an act of the British Legislature, as a *speculative* right merely, never to be *exerted*, nor ever to be *renounced*. To *his* judgment it appears plain, "That the general reasonings which were employed "against that power went directly to our whole le-"gislative right, and that one part of it could not "be yielded to such arguments without a virtual sur-"render of all the rest."

2*do*, That, with regard to press-warrants, his argument should be taken in his own words, and answered strictly; that comparisons may sometimes illustrate, but prove nothing; and that, in this case, an appeal to the passions is unfair and unnecessary. *Junius* feels and acknowledges the evil in the most express terms, and will show himself ready to concur in any rational plan that may provide for the liberty of the individual, without hazarding the safety of the community. At the same time, he expects that the evil, such as it is, be not exaggerated or misrepresented. In general, it is *not* unjust that, when the rich man contributes his wealth, the *poor* man should serve the state in person; otherwise the latter contributes nothing to the defence of that law and constitution from which he demands safety and protection. But the question does not lie between *rich* and *poor*. The laws of England make no such distinctions. Neither is it true that the poor man is torn from the care and support of a wife and family

mily, helpleſs without him. The ſingle queſtion is, Whether the *ſeaman**, in times of public danger, ſhall ſerve the merchant, or the ſtate, in that profeſſion to which he was bred, and by the exerciſe of which alone he can honeſtly ſupport himſelf and his family. General arguments againſt the doctrine of *neceſſity*, and the dangerous uſe that may be made of it, are of no weight in this particular caſe. *Neceſſity* includes the idea of *inevitable*. Whenever it is ſo, it creates a law to which all *poſitive* laws, and all *poſitive* rights, muſt give way. In this ſenſe the levy of *ſhip-money* by the King's warrant was not *neceſſary*, becauſe the buſineſs might have been as well or better done by parliament. If the doctrine maintained by *Junius* be confined within this limitation, it will go but very little way in ſupport of arbitrary power. That the King is to judge of the occaſion, is no objection, unleſs we are told how it can poſſibly be otherwiſe. There are other inſtances, not leſs important in the exerciſe, nor leſs dangerous in the abuſe, in which the conſtitution relies entirely upon the King's judgment. The executive power proclaims war and peace, binds the nation by treaties, orders, general embargoes, and impoſes quarantines; not to mention a multitude of prerogative writs, which, though liable to the greateſt abuſes, were never diſputed.

3*tio*, It has been urged, as a reproach to *Junius*, that he has not delivered an opinion upon the Game Laws, and particularly the late *Dog Act*. But *Junius* thinks he has much greater reaſon to complain, that he is never aſſiſted by thoſe who are able to aſſiſt him; and that almoſt the whole labour of the preſs is thrown upon a ſingle hand, from which a diſcuſ-

ſion

* I confine myſelf ſtrictly to *ſeamen*;—if any others are preſſed, it is a groſs abuſe, which the magiſtrate can and ſhould correct.

ſion of *every* public queſtion whatſoever is unreaſonably expected. He is not paid for his labour, and certainly has a right to chooſe his employment. As to the *Game Laws*, he never ſcrupled to declare his opinion, that they are a ſpecies of the *Foreſt Laws*; that they are oppreſſive to the ſubject; and that the ſpirit of them is incompatible with legal liberty:—That the penalties impoſed by theſe laws bear no proportion to the nature of the offence; that the mode of trial, and the degree and kind of evidence neceſſary to convict, not only deprive the ſubject of all the benefits of a trial by jury, but are in themſelves too ſummary, and to the laſt degree arbitrary and oppreſſive: That, in particular, the late acts to prevent dog-ſtealing, or killing game between ſun and ſun, are diſtinguiſhed by their abſurdity, extravagance, and pernicious tendency. If theſe terms are weak or ambiguous, in what lauguage can *Junius* expreſs himſelf? It is no excuſe for *Lord Mansfield* to ſay, that he *happened* to be abſent when theſe bills paſſed the houſe of Lords. It was his duty to be preſent. Such bills could never have paſſed the houſe of commons without his knowledge. But we very well know by what rule he regulates his attendance. When that order was made in the houſe of Lords in the caſe of *Lord Pomfret*, at which every Engliſhman ſhudders, my honeſt *Lord Mansfield* found himſelf, *by mere accident*, in the court of King's-bench:—Otherwiſe he would have done wonders in defence of law and property! The pitiful evaſion is adapted to the character. But *Junius* will never juſtify himſelf by the example of this bad man.—The diſtinction between *doing wrong*, and *avoiding to do right*, belongs to Lord Mansfield. *Junius* diſclaims it.

LETTER

LETTER LXV.

TO LORD CHIEF JUSTICE MANSFIELD.

Nov. 2, 1771.

AT the interceſſion of three of your countrymen, you have bailed a man who, I preſume, is alſo a *Scotchman*, and whom the Lord Mayor of London had refuſed to bail. I do not mean to enter into an examination of the partial, ſiniſter motives of your conduct; but, confining myſelf ſtrictly to the fact, I affirm, that you have done that which by law you were not warranted to do. The thief was taken in the theft; the ſtolen goods were found upon him, and he made no defence. In theſe circumſtances (the truth of which you dare not deny, becauſe it is of public notoriety) it could not ſtand indifferent whether he was guilty or not, much leſs could there be any preſumption of his innocence; and, in theſe circumſtances, I affirm, in contradiction to YOU, LORD CHIEF JUSTICE MANSFIELD, that, by the laws of England, he was *not bailable*. If ever *Mr. Eyre* ſhould be brought to trial, we ſhall hear what You have to ſay for yourſelf; and I pledge myſelf, before God and my country, in proper time and place, to make good my charge againſt you.

JUNIUS.

LETTER LXVI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

Nov. 9, 1771.

JUNIUS engages to make good his charge againſt *Lord Chief Juſtice Mansfield* ſome time before the meeting of parliament, in order that the houſe of

of commons may, if they think proper, make it one article in the impeachment of the ſaid *Lord Chief Juſtice.*

LETTER LXVII.

TO HIS GRACE THE DUKE OF GRAFTON.

Nov. 27, 1771.

WHAT is the reaſon, my Lord, that when almoſt every man in the kingdom, without diſtinction of principles or party, exults in the ridiculous defeat of Sir James Lowther; when good and bad men unite in one common opinion of that baronet, and triumph in his diſtreſs, as if the event (without any reference to vice or virtue) were intereſting to human nature; your Grace alone ſhould appear ſo miſerably depreſſed and afflicted? In ſuch univerſal joy, I know not where you will look for a compliment of condolence, unleſs you appeal to the tender, ſympathetic ſorrows of Mr. Bradſhaw. That cream-coloured gentleman's tears, affecting as they are, carry conſolation with them. He never weeps but, like an April ſhower, with a lambent ray of ſunſhine upon his countenance. From the feelings of honeſt men upon this joyful occaſion, I do not mean to draw any concluſion to your Grace. *They* naturally rejoice when they ſee a ſignal inſtance of tyranny reſiſted with ſucceſs; of treachery expoſed to the deriſion of the world; an infamous informer defeated, and an impudent robber dragged to the public gibbet. But, in the *other* claſs of mankind, I own I expected to meet the Duke of Grafton. Men who have no regard for juſtice, nor any ſenſe of honour, ſeem as heartily pleaſed with Sir James Lowther's well-deſerved puniſhment, as if it did not conſtitute an example againſt themſelves. The unhappy

happy Baronet has no friends, even among thoſe who reſemble him. You, my Lord, are not reduced to ſo deplorable a ſtate of dereliction. Every villain in the kingdom is your friend; and, in compliment to ſuch amity, I think you ſhould ſuffer your diſmal countenance to clear up. Beſides, my Lord, I am a little anxious for the conſiſtency of your character. You violate your own rules of decorum, when you do not inſult the man whom you have betrayed.

The divine juſtice of retribution ſeems now to have begun its progreſs. Deliberate treachery entails puniſhment upon the traitor. There is no poſſibility of eſcaping it, even in the higheſt rank to which the conſent of ſociety can exalt the meaneſt and worſt of men. The forced, unnatural union of Luttrell and Middleſex was an omen of another unnatural union, by which indefeaſible infamy is attached to the houſe of Brunſwick. If one of theſe acts was virtuous and honourable, the beſt of Princes, I thank God, is happily rewarded for it by the other. Your Grace, *it has been ſaid*, had ſome ſhare in recommending Colonel Luttrell to the King;—or was it only the gentle Bradſhaw who made himſelf anſwerable for the good behaviour of his friend? An intimate connection has long ſubſiſted between him and the worthy Lord Irnham. It aroſe from a fortunate ſimilarity of principles, cemented by the conſtant mediation of their common friend Miſs Davis.*

Yet

* There is a certain family in this country, on which Nature ſeems to have entailed an hereditary baſeneſs of diſpoſition. As far as their hiſtory has been known, the ſon has regularly improved upon the vices of his father, and has taken care to tranſmit them pure and undiminiſhed into the boſom of his ſucceſſor. In the ſenate, their abilities have confined them to thoſe humble, ſordid ſervices in which the ſcavengers of the miniſtry are uſually employed. But, in the memoirs of private treachery, they ſtand firſt and unrivalled. The following ſtory will ſerve to illuſtrate the

Yet I confeſs I ſhould be ſorry that the opprobrious infamy of this match ſhould reach beyond the family. We have now a better reaſon than ever to pray for the long life of the beſt of Princes, and the welfare of his royal *iſſue*. I will not mix any thing ominous with my prayers;——but let parliament look to it. A *Luttrell* ſhall never ſucceed to the crown of England If the hereditary virtues of the family deſerve a kingdom, Scotland will be a proper retreat for them.

The next is a moſt remarkable inſtance of the goodneſs of Providence. The juſt law of retaliation has at laſt overtaken the little, contemptible tyrant of the North. To the ſon-in-law of your deareſt friend the Earl of Bute, you meant to transfer the Duke of Portland's property; and you haſtened the grant with an expedition unknown to the Treaſury, that he might have it time enough to give a deciſive turn to the election for the county.

the character of this reſpectable family, and to convince the world that the preſent poſſeſſor has as clear a title to the infamy of his anceſtors as he has to their eſtate. It deſerves to be recorded for the curioſity of the fact, and ſhould be given to the public as a warning to every honeſt member of ſociety.

The preſent Lord Irnham, who is now in the decline of life, lately cultivated the acquaintance of a younger brother of a family with which he had lived in ſome degree of intimacy and friendſhip. The young man had long been the dupe of a moſt unhappy attachment to a common proſtitute. His friends and relations foreſaw the conſequences of this connection, and did every thing that depended upon them to ſave him from ruin. But he had a friend in Lord Irnham, whoſe advice rendered all their endeavours ineffectual. This hoary letcher, not contented with the enjoyment of his friend's miſtreſs, was baſe enough to take advantage of the paſſions and folly of a young man, and perſuaded him to marry her. He deſcended even to perform the office of father to the proſtitute. He gave her to his friend, who was on the point of leaving the kingdom, and the next night lay with her himſelf.

Whether the depravity of the human heart can produce any thing more baſe and deteſtable than this fact, muſt be left undetermined until the ſon ſhall arrive at the father's age and experience.

The immediate conſequence of this flagitious robbery was, that he loſt the election which you meant to inſure to him, and with ſuch ſignal circumſtances of ſcorn, reproach, and inſult (to ſay nothing of the general exultation of all parties) as (excepting the King's brother-in-law, Col. Luttrell, and old *Simon* his father-in-law) hardly ever fell upon a gentleman in this country. In the event, he loſes the very property of which he thought he had gotten poſſeſſion, and after an expence which would have paid the value of the land in queſtion, twenty times over. The forms of villainy, you ſee, are neceſſary to its ſucceſs. Hereafter you will act with greater circumſpection, and not drive ſo directly to your object. To *ſnatch a grace* beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conſcious heart inform you, that the juſtice of retribution begins to operate, and that it may ſoon approach your perſon? Do you think that *Junius* has renounced the Middleſex election?—or that the King's timber ſhall be refuſed to the Royal Navy with impunity?—or that you ſhall hear no more of the ſale of that patent to Mr. *Hine*, which you endeavoured to ſkreen by ſuddenly dropping your proſecution of *Samuel Vaughan*, when the rule againſt him was made abſolute? I believe indeed there never was ſuch an inſtance in all the hiſtory of negative impudence. But it ſhall not ſave you. The very ſunſhine you live in is a prelude to your diſſolution. When you are ripe, you ſhall be plucked.

JUNIUS.

P. S. I beg you will convey to our gracious Maſter, my humble congratulations upon the glorious ſucceſs of peerages and penſions, ſo laviſhly diſtributed as the rewards of Iriſh virtue.

LETTER

LETTER LXVIII.

TO LORD CHIEF JUSTICE MANSFIELD.

JUNE 21, 1772.

I HAVE undertaken to prove, that when, at the interceſſion of three of your countrymen, you bailed *John Eyre*, you did that *which by law you were not warranted to do*; and that a felon, under the circumſtances *of being taken in the fact, with the ſtolen goods upon him, and making no defence, is not bailable* by the laws of England. Your learned advocates have interpreted this charge into a denial that the court of King's-bench, or the judges of that court during the vacation, have any greater authority to bail for criminal offences than a juſtice of peace. With the inſtance before me, I am ſuppoſed to queſtion your power of doing wrong, and to deny the exiſtence of a power at the ſame moment that I arraign the illegal exerciſe of it. But the opinions of ſuch men, whether wilful in their malignity, or ſincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not underſtand me ſo; and, I promiſe you, your cauſe requires an abler defence. I am now to make good my charge againſt you. However dull my argument, the ſubject of it is intereſting. I ſhall be honored with the attention of the public, and have a right to demand the attention of the legiſlature. Supported as I am by the whole body of the criminal law of England, I have no doubt of eſtabliſhing my charge. If, on your part, you ſhould have no plain, ſubſtantial defence, but ſhould endeavour to ſhelter yourſelf under th quirk and evaſion of a practiſing lawyer, or under the mere inſulting aſſertion of power without right, the reputation you pretend to is gone for ever; you ſtand degraded from the reſpect and authority of your

office, and are no longer, *de jure*, Lord Chief Juſtice of England. This letter, my Lord, is addreſſed, not ſo much to *you*, as to the public. Learned as you are, and quick in apprehenſion, few arguments are neceſſary to ſatisfy you, that you have done that which by law you were not warranted to do. Your conſcience already tells you, that you have ſinned againſt knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law upon truſt. They rely upon your authority, becauſe they are too indolent to ſearch for information; or, conceiving that there is ſome myſtery in the laws of their country which lawyers only are qualified to explain, they diſtruſt their judgment, and voluntarily renounce the right of thinking for themſelves. With all the evidence of hiſtory before them, from *Treſillian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it poſſible that a learned judge can act in direct contradiction to thoſe laws which he is ſuppoſed to have made the ſtudy of his life, and which he has ſworn to adminiſter faithfully. Superſtition is certainly not the characteriſtic of this age. Yet ſome men are bigotted in politics who are infidels in religion. I do not deſpair of making them aſhamed of their credulity.

The charge I brought againſt you is expreſſed in terms guarded and well conſidered. They do not deny the ſtrict power of the judges of the court of King's-bench to bail in caſes not bailable by a juſtice of peace, nor repleviſable by the common writ, or *ex officio* by the ſheriff. I well know the practice of the court, and by what legal rules it ought to be directed. But, far from meaning to ſoften or diminiſh the force of thoſe terms I have made uſe of, I now go beyond them, and affirm,

I. That

I. That the ſuperior power of bailing for felony, claimed by the court of King's-bench, is founded upon the opinion of lawyers, and the practice of the court; that the aſſent of the legiſlature to this power is merely negative, and that it is not ſupported by any poſitive proviſion in any ſtatute whatſoever—If it be, produce the ſtatute.

II. Admitting that the judges of the court of King's-bench are veſted with a diſcretionary power to examine and judge of circumſtances and allegations which a juſtice of peace is not permitted to conſider, I affirm that the judges, in the uſe and application of that diſcretionary power, are as ſtrictly bound by the ſpirit, intent, and meaning, as the juſtice of peace is by the words, of the legiſlature. Favourable circumſtances, alledged before the judge, may juſtify a doubt whether the priſoner be guilty or not; and, where the guilt is doubtful, a preſumption of innocence ſhould, in general, be admitted. But, when any ſuch probable circumſtances are alledged, they alter the ſtate and condition of the priſoner. *He* is no longer that *all-but-convicted* felon whom the law intends, and who by law is *not bailable at all.* If no circumſtances whatſoever are alledged in his favour; if no allegation whatſoever be made to leſſen the force of that evidence which the law annexes to a poſitive charge of felony, and particularly to the fact of *being taken with the maner*; I then ſay, that the Lord Chief Juſtice of England has no more right to bail him than a juſtice of peace. The diſcretion of an Engliſh judge is not of mere will and pleaſure; it is not arbitrary; it is not capricious; but, as that great lawyer (whoſe authority I wiſh you reſpected half as much as I do) truly ſays*, "Diſcretion, "taken as it ought to be, is, *diſcernere per legem* "*quid ſit juſtum.* If it be not directed by the right

* 4 *Inſt.* 41. 66.

"line of the law, it is a crooked cord, and appeareth "to be unlawful." If diſcrètion were arbitrary in the judge, he might introduce whatever novelties he "thought proper. But, ſays Lord Coke, "Novel-"ties, without warrant of precedents, are not to be "allowed; ſome certain rules are to be followed; "*Quicquid judicis authoritati ſubjicitur, novitati non ſubjicitur:*" and this ſound doctrine is applied to the Star-chamber, a court confeſſedly arbitrary. If you will abide by the authority of this great man, you ſhall have all the advantage of his opinion, wherever it appears to favour you. Excepting the plain expreſs meaning of the legiſlature, to which all private opinions muſt give way, I deſire no better judge between us than Lord Coke.

III. I affirm, that, according to the obvious indiſputable meaning of the legiſlature, repeatedly expreſſed, a perſon poſitively charged with *felonioufly ſtealing*, *flagrante delicto*, with the ſtolen goods upon him, is *not bailable*. The law conſiders him as differing in nothing from *a convict*, but in the form of conviction; and (whatever a corrupt judge may do) will accept of no ſecurity but the confinement of his body within four walls. I know it has been alledged in your favour, that you have often bailed for murders, rapes, and other manifeſt crimes. Without queſtioning the fact, I ſhall not admit that you are to be juſtified by your own example. If that were a protection to you, where is the crime, that, as a judge, you might not now ſecurely commit? But neither ſhall I ſuffer myſelf to be drawn aſide from my preſent argument, nor *you* to profit by your own wrong.—To prove the meaning and intent of the legiſlature, will require a minute and tedious deduction. To inveſtigate a queſtion of law, demands ſome labour and attention; though very little genius or ſagacity. As a practical profeſſion, the ſtudy of

the

the law requires but a moderate portion of abilities. The learning of a pleader is uſually upon a level with his integrity. The indiſcriminate defence of right and wrong contracts the underſtanding, while it corrupts the heart. Subtlety is ſoon miſtaken for wiſdom, and impunity for virtue. If there be any inſtances upon record, as ſome there are undoubtedly, of genius and morality united in a lawyer, they are diſtinguiſhed by their ſingularity, and operate as exceptions.

I muſt ſolicit the patience of my readers. This is no light matter; nor is it any more ſuſceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail, in charges of felony, has been exactly aſcertained by acts of the legiſlature, it is at preſent of little conſequence to inquire how it ſtood at common law before the ſtatute of Weſtminſter. And yet it is worth the reader's attention to obſerve, how nearly, in the ideas of our anceſtors, the circumſtance of being taken *with the maner* approached to the conviction of the felon*. "It fixed the au-
"thoritative ſtamp of veriſimilitude upon the accu-
"ſation; and, by the common law, when a thief
"was taken *with the maner* (that is, with the thing
"ſtolen upon him, *in manu*) he might, ſo detected
"*flagrante delicto*, be brought into court, arraigned
"and tried, *without indictment*; as, by the Daniſh
"law, he might be taken and hanged upon the ſpot,
"without accuſation or trial." It will ſoon appear that our ſtatute-law, in this behalf, though leſs ſummary in point of proceeding, is directed by the ſame ſpirit. In one inſtance, the very form is adhered to. In offences relating to the foreſt, if a man was taken with vert, or veniſon†, it was declared to be equivalent

Blackſtone, 4, 303.

† 1 *Ed.* III. *cap.* 8.——and 7 *Rich.* II. *cap*, 4.

valent to indictment. To enable the reader to judge for himſelf, I ſhall ſtate, in due order, the ſeveral ſtatutes relative to bail in criminal caſes, or as much of them as may be material to the point in queſtion, omitting ſuperfluous words. If I miſrepreſent, or do not quote with fidelity, it will not be difficult to detect me.

The ſtatute of Weſtminſter the firſt *, in 1275, ſets forth, that "Foraſmuch as ſheriffs and others, "who have taken and kept in priſon perſons detected "of felony, and incontinent have let out by repleVin ſuch as were *not repleviſable*, becauſe they "would gain of the one party and grieve the other; "and foraſmuch as, before this time, it was not de"termined which perſons were repleviſable, and "which not, it is provided, and by the King com"manded, that ſuch priſoners, &c. as be *taken with* "*the maner*, &c. or for *manifeſt* offences, ſhall be "*in no wiſe* repleviſable by the common writ, or "without writ." †—Lord Coke, in his expoſition of the laſt part of this quotation, accurately diſtinguiſhes between *replevy* by the common writ, or *ex officio*, and *bail* by the King's-bench. The words of the ſtatute certainly do not extend to the judges of that court. But, beſides that the reader will ſoon find reaſon to think that the legiſlature, in their intention, made no difference between *bailable* and *repleviſable*, Lord Coke himſelf (if he be underſtood to mean

* "*Videtur que le ſtatute de mainprize ne'ſt que reherſal del comm* "*ley.*" Bro. Mainp. 61.

† "There are three points to be conſidered in the conſtruction "of all remedial ſtatutes;—the old law, the miſchief, and the "remedy:—that is, how the common law ſtood at the making of "the act, what the miſchief was for which the common law did "not provide, and what remedy the parliament hath provided to "cure this miſchief. It is the buſineſs of the judges ſo to con"ſtrue the act, as to ſuppreſs the miſchief and advance the re"medy." *Blakſtone*, 1. 87.

mean nothing but an expoſition of the ſtatute of Weſtminſter, and not to ſtate the law generally) does not adhere to his own diſtinction. In expounding the other offences which, by this ſtatute, are declared *not repleviſable*, he conſtantly uſes the words *not bailable*.—"That outlaws, for inſtance, "are *not bailable at all*;—that perſons who have abjured the realm, are attainted upon their own confeſſion, and therefore *not bailable at all by law*;—"that provers are *not bailable*;—that notorious felons are *not bailable*." The reaſon why the ſuperior courts were not named in the ſtatute of Weſtminſter, was plainly this; "becauſe antiently moſt "of the buſineſs touching bailment of priſoners for "felony or miſdemeanors, was performed by the "ſheriffs, or ſpecial bailiffs of liberties, either by "writ, or *virtute officii**;" conſequently the ſuperior courts had little or no opportunity to commit thoſe abuſes which the ſtatute imputes to the ſheriffs. With ſubmiſſion to Dr. Blackſtone, I think he has fallen into a contradiction; which, in terms at leaſt, appears irreconcileable. After enumerating ſeveral offences not bailable, he aſſerts, without any condition or limitation whatſoever †, "All theſe are "clearly not admiſſible to bail." Yet, in a few lines after, he ſays, "*it is agreed* that the court of "King's-bench may bail for any crime whatſoever, "*according to circumſtances of* the caſe." To his firſt propoſition he ſhould have added, *by ſheriffs or juſtices*: otherwiſe the two propoſitions contradict each other; with this difference, however, that the firſt is abſolute, the ſecond limited by *a conſideration of circumſtances*. I ſay this without the leaſt intended diſreſpect to the learned author. His work is

* 2 *Hale*, P. C. 128. 136.——† *Blackſtone*, 4. 296.

is of public utility, and ſhould not haſtily be condemned.

The ſtatute of 17 *Richard* II. *cap.* 10. 1393, ſets forth, that "Foraſmuch as thieves notoriouſly "defamed, *and others taken with the maner*, by their "long abiding in priſon, were delivered by charters, "and favourable inqueſts procured, to the great "hindrance of the people, two men of law ſhall be "aſſigned, in every commiſſion of the peace, to "proceed to the deliverance of ſuch felons, &c." It ſeems by this act, that there was a conſtant ſtruggle between the legiſlature and the officers of juſtice. Not daring to admit felons *taken with the maner* to bail or mainprize, they evaded the law by keeping the party in priſon a long time, and then delivering him without due trial.

The ſtatute 1 *Richard* III. in 1483, ſets forth, that "Foraſmuch as divers perſons have been daily "arreſted and impriſoned for *ſuſpicion* of felony, "ſometime of malice, and ſometime of a *light ſuſ-* "*picion*, and ſo kept in priſon without bail or main- "prize, be it ordained, that every juſtice of peace "ſhall have authority, by his diſcretion, to let ſuch "priſoners and perſons ſo arreſted to bail or main- "prize."—By this act it appears, that there had been abuſes in matter of impriſonment, and that the legiſlature meant to provide for the immediate enlargement of perſons arreſted on *light ſuſpicion* of felony.

The ſtatute of 3d Henry VII. in 1486, declares, that, "under colour of the preceding act of Richard "the Third, perſons, *ſuch as were not mainpernable*, "were oftentimes let to bail or mainprize by juſtices "of the peace, whereby many murderers and felons "eſcaped, the King, &c. hath ordained, that the juſ- "tices of the peace, or two of them at leaſt (whereof "one to be of the *quorum*) have authority to let any

"any ſuch priſoners or perſons, mainpernable by the "law, to bail or mainprize"

The ſtatute of 1ſt and 2d of Philip and Mary, in 1554, ſets forth, that, "notwithſtanding the preced- "ing ſtatute of Henry the Seventh, *one* juſtice of "peace hath oftentimes, by ſiniſter labour and "means, ſet at large the greateſt and notableſt of- "fenders, *ſuch as be not repleviſable by the laws of* "*this realm*; and yet, the rather to hide their affec- "tions in that behalf, have ſigned the cauſe of their "apprehenſion to be but only for *ſuſpicion* of felony, "whereby the ſaid offenders have eſcaped unpu- "niſhed, and do daily, to the high diſpleaſure of Al- "mighty God, the great peril of the King and "Queen's true ſubjects, and encouragement of all "thieves and evil-doers;—for reformation whereof "be it enacted, that no juſtice of peace ſhall let to "bail or mainprize any ſuch perſons, which, for "any offence by them committed, be declared *not* "to be *repleviſed*, or *bailed*, or be forbidden to be "*repleviſed* or *bailed* by the ſtatute of Weſtminſter "the firſt; and furthermore, that any perſons, ar- "reſted for manſlaughter, felony, being *bailable by* "*the law*, ſhall not be let to bail or mainprize by "any juſtices of peace, but in the form therein after "preſcribed." In the two preceding ſtatutes, the words *bailable*, *repleviſable*, and *mainpernable*, are uſed ſynonimouſly*, or promiſcuouſly, to expreſs the ſame ſingle intention of the legiſlature, viz. *not to accept of any ſecurity but the body of the offender*; and when the latter ſtatute preſcribes the form in which perſons arreſted on *ſuſpicion* of felony *(being bailable by the law)* may be let to bail, it evidently ſuppoſes, that there are ſome caſes *not* bailable by the law. It may be thought, perhaps, that I attribute to the le-

giſlature

* 2 *Hale*, P. C. ii. 124.

giſlature an appearance of inaccuracy in the uſe of terms, merely to ſerve my preſent purpoſe. But in truth it would make more forcibly for my argument, to preſume, that the legiſlature were conſtantly aware of the ſtrict legal diſtinction between *bail* and *replevy*, and that they always meant to adhere to it*. For if it be true that *replevy* is by the ſheriffs, and *bail* by the higher courts at Weſtminſter, (which I think no lawyer will deny) it follows, that when the legiſlature expreſsly ſays, that any particular offence is by law *not bailable*, the ſuperior courts are comprehended in the prohibition, and bound by it. Otherwiſe, unleſs there was a poſitive exception of the ſuperior courts (which I affirm there never was in any ſtatute relative to bail) the legiſlature would groſsly contradict themſelves, and the manifeſt intention of the law be evaded. It is an eſtabliſhed rule, that when the law is *ſpecial*, and reaſon of it general, it is to be *generally* underſtood; and though by cuſtom a latitude be allowed to the court of King's-Bench, (to conſider circumſtances inductive of a doubt, whether the priſoner be guilty or innocent) if this latitude be taken as an arbitrary power to bail, when no circumſtances whatſoever are alledged in favour of the priſoner, it is a power without right and a daring violation of the whole Engliſh law of bail.

The act of the 31ſt of Charles the Second (commonly called the *Habeas Corpus act*) particularly declares, that it is not meant to extend to treaſon or felony plainly and ſpecially expreſſed in the warrant of commitment. The priſoner is therefore left to ſeek

* *Vide* 2d Inſt. 150. 186.—"The word *repleviſable* never ſignifies *bailable*. *Bailable* is in a court of record by the King's juſtices; but *repleviſable* is by the ſheriff."

Selden, State Tr. vii. 140.

ſeek his *habeas corpus* at common law; and ſo far was the legiſlature from ſuppoſing that perſons (committed for treaſon or felony plainly and ſpecially expreſſed in the warrant of commitment) could be let to bail by a ſingle judge, or by the whole court, that this very act provides a remedy for ſuch perſons, in caſe they are not indicted in the courſe of the term or ſeſſions ſubſequent to their commitment. The law neither ſuffers them to be enlarged before trial, nor to be impriſoned after the time in which they ought regularly to be tried. In this caſe the law ſays, "It ſhall and may be lawful to and for the "judges of the court of King's-Bench, and juſtices "of oyer and terminer, or general gaol-delivery, "and they are hereby required, upon motion to "them made in open court, the laſt day of the "term, ſeſſion, or gaol-delivery, either by the pri "ſoner or any one in his behalf, to ſet at liberty the "priſoner upon bail; unleſs it appear to the judges "and juſtices, upon oath made, that the witneſſes "for the king could not be produced the ſame term, "ſeſſions, or gaol-delivery."—Upon the whole of this article, I obſerve, 1. That the proviſion made in the firſt part of it, would be, in a great meaſure, uſeleſs and nugatory, if any ſingle judge might have bailed the priſoner *ex arbitrio* during the vacation; or if the court might have bailed him immediately after the commencement of the term or ſeſſions.—2. When the law ſays, *It ſhall and may be lawful* to bail for felony under particular circumſtances, we muſt preſume, that before the paſſing of that act, it was not lawful to bail under thoſe circumſtances. The terms uſed by the legiſlature are *enacting*, not *declaratory*.—3. Notwithſtanding the party may have been impriſoned during the greateſt part of the vacation, and during the whole ſeſſion, the court are expreſsly

forbidden to bail him from that ſeſſion to the next, if oath be made that the witneſſes for the King could not be produced that ſame term or ſeſſions.

Having faithfully ſtated the ſeveral acts of parliament relative to bail in criminal caſes, it may be uſeful to the reader to take a ſhort hiſtorical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and ſince the Conqueſt, all felonies were bailable, till murder was excepted by ſtatute; ſo that perſons might be admitted to bail, before conviction, almoſt in every caſe. The ſtatute of Weſtminſter ſays, that before that time, it had not been determined which offences were repleviſable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the ſheriff. It is very remarkable, that the abuſes ariſing from this unlimited power of replevy, dreadful as they were, and deſtructive to the peace of ſociety, were not corrected or taken notice of by the legiſlature, until the commons of the kingdom had obtained a ſhare in it by their repreſentatives; but the houſe of commons had ſcarce begun to exiſt, when theſe formidable abuſes were corrected by the ſtatute of Weſtminſter. It is highly probable, that the miſchief had been ſeverely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons. "The iniquity of the "times was ſo great*, as it even forced the ſubjects "to forego that, which was in account a great liberty, "to ſtop the courſe of a growing miſchief." The preamble to the ſtatutes, made by the firſt parliament of Edward the Firſt, aſſigns the reaſon of calling it†, "becauſe the people had been otherwiſe entreated than they ought to be, the peace leſs kept, the laws "leſs

* *Selden*, by *N. Bacon*, 182.

† Parliamentary Hiſtory, i. 82.

"leſs uſed, and *offenders leſs puniſhed*, than they "ought to be, by reaſon whereof the people feared "leſs to offend:" and the firſt attempt to reform theſe various abuſes, was by contracting the power of replevying felons.

For above two centuries following, it does not appear that any alteration was made in the law of bail, except that *being taken with vert or veniſon* was declared to be equivalent to indictment. The legiſlature adhered firmly to the ſpirit of the ſtatute of Weſtminſter. The ſtatute of 27th of Edward the Firſt, directs the juſtices of aſſize to inquire and puniſh officers bailing ſuch as were *not bailable*. As for the judges of the ſuperior courts, it is probable, that in thoſe days they thought themſelves bound by the obvious intent and meaning of the legiſlature. They conſidered not ſo much to what particular perſons the prohibition was addreſſed, as what the *thing* was which the legiſlature meant to prohibit; well knowing, that in law, *quando aliquid prohibetur, prohibetur et omne, per quod devenitur ad illud*. "When any thing is forbidden, all the means by "which the ſame thing may be compaſſed or done, "are equally forbidden."

By the ſtatute of Richard the Third, the power of bailing was a little enlarged. Every juſtice of peace was authoriſed to bail for felony; but they were expreſsly confined to perſons arreſted *on light ſuſpicion*; and even this power, ſo limited, was found to produce ſuch inconveniences, that, in three years after, the legiſlature found it neceſſary to repeal it. Inſtead of truſting any longer to a ſingle juſtice of peace, the act of 3d Henry VII. repeals the preceding act, and directs, "that no priſoner (*of thoſe "who are mainpernable by the law*) ſhall be let to bail "or mainpriſe by leſs than *two* juſtices, whereof one "to be of the quorum." And ſo indiſpenſibly ne-

ceſſary was this proviſion thought for the adminiſtration of juſtice, and for the ſecurity and peace of ſociety, that at this time an oath was propoſed by the King, to be taken by the knights and eſquires of his houſehold, by the members of the houſe of commons, and by the peers ſpiritual and temporal, and accepted and ſworn to *quaſi una voce* by them all; which, among other engagements, binds them "not to let "any man to bail or mainpriſe, knowing and deem-"ing him to be a felon, upon your honour and "worſhip. So help you God and all ſaints.*."

In about half a century, however, even theſe proviſions were found inſufficient. The act of Henry the Seventh was evaded, and the legiſlature once more obliged to interpoſe. The act of 1ſt and 2d of Philip and Mary, takes away entirely from the juſtices all power of bailing for offences declared *not bailable* by the ſtatute of Weſtminſter.

The illegal impriſonment of ſeveral perſons who had refuſed to contribute to a loan exacted by Charles the Firſt, and the delay of the *habeas corpus*, and ſubſequent refuſal to bail them, conſtituted one of the firſt and moſt important grievances of that reign. Yet when the houſe of commons, which met in the year 1628, reſolved upon meaſures of the moſt firm and ſtrenuous reſiſtance to the power of impriſonment aſſumed by the King or privy-council, and to the refuſal to bail the party on the return of the *habeas corpus*, they did expreſsly, in all their reſolutions, make an exception of commitments, where the cauſe of the reſtraint was expreſſed, and did by law juſtify the commitment. The reaſon of the diſtinction is, that whereas, when the cauſe of commitment is expreſſed, the crime is then known, and the offender muſt be brought to the ordinary trial; if, on the contrary, no cauſe of commitment be expreſſed, and the

* Parliamentary Hiſtory, ii. 419.

the priſoner be thereupon remanded, it may operate to perpetual impriſonment. This conteſt with Charles the Firſt produced the act of the 16th of that King; by which the court of King's-bench is directed, within three days after the return to the *habeas corpus*, to examine and determine the legality of any commitment by the King or privy-council, and to do *what to juſtice ſhall appertain*, in delivering, bailing, or *remanding* the priſoner.—*Now*, it ſeems, it is unneceſſary for the judge to do what appertains to juſtice. The ſame ſcandalous traffic, in which we have ſeen the privilege of parliament exerted or relaxed, to gratify the preſent humour, or to ſerve the immediate purpoſe, of the crown, is introduced into the adminiſtration of juſtice. The magiſtrate, it ſeems, has now no rule to follow, but the dictates of perſonal enmity, national partiality, or perhaps the moſt proſtituted corruption.

To complete this hiſtorical inquiry, it only remains to be obſerved, that the *habeas corpus* act of 31ſt of Charles the Second, ſo juſtly conſidered as another Magna Charta of the kingdom*, "extends "only to the caſe of commitments for ſuch crimi-"nal charge, as can produce no inconvenience to "public juſtice by a temporary enlargement of the "priſoner."—So careful were the legiſlature, at the very moment when they were providing for the liberty of the ſubject, not to furniſh any colour or pretence for violating or evading the eſtabliſhed law of bail in the higher criminal offences. But the exception, ſtated in the body of the act, puts the matter out of all doubt. After directing the judges how they are to proceed to the diſcharge of the priſoner upon recognizance and ſurety, having regard to the quality of the priſoner and nature of the offence, it is expreſsly added, "unleſs it ſhall appear to

* Blackſtone, iv. 137.

" the ſaid Lord Chancellor, &c. that the party ſo " committed is detained for ſuch matters or offences, " for the which, BY THE LAW, THE PRISONER IS " NOT BAILABLE."

When the laws, plain of themſelves, are thus illuſtrated by facts, and their uniform meaning eſtabliſhed by hiſtory, we do not want the authority of opinions, however reſpectable, to inform our judgment, or to confirm our belief. But I am determined that you ſhall have no eſcape. Authority of every ſort ſhall be produced againſt you, from *Jacob* to Lord *Coke*, from the dictionary to the claſſic. In vain ſhall you appeal from thoſe upright judges whom you diſdain to imitate, to thoſe whom you have made your example. With one voice they all condemn you.

" To be taken with the *maner*, is where a thief, " having ſtolen any thing, is taken with the ſame " about him, as it were in his hands, which is called " *flagrante delicto*. Such a criminal is *not bailable by* " *law*."—*Jacob*, *under the word* Maner.

" Thoſe who are taken with the *maner* are ex- " cluded, by the ſtatute of Weſtminſter, from the " benefit of a replevin."---*Hawkins*, *P. C.* ii. 98.

" Of ſuch heinous offences, no one, who is no- " toriouſly guilty, ſeems to be *bailable* by the intent " of this ſtatute."---*Ditto*, ii. 99.

" The common practice and allowed general rule " is, that bail is only then proper where it ſtands *in-* " *different*, whether the party were guilty or inno- " cent."---*Ditto*, *ditto*.

" There is no doubt, but that the bailing of a per- " ſon, *who is not bailable by law*, is puniſhable, either " at common law as a negligent eſcape, or as an of- " fence againſt the ſeveral ſtatutes relative to bail." *Ditto*, 89.

" It

" It cannot be doubted, but that neither the judges " of this, nor of any other ſuperior court of juſtice, " are ſtrictly within the purview of that ſtatute; yet " they will always, in their diſcretion, pay a due re- " gard to it, and not admit a perſon to bail, who is " expreſsly declared by it irrepleviſable, *without ſome* " *particular circumſtance in his favour*; and there- " fore it ſeems difficult to find an inſtance, where " perſons, attainted of felony, or notoriouſly guilty " of treaſon or manſlaughter, &c. by their own con- " feſſion, or *otherwiſe*, have been admitted to the " benefit of bail, without ſome ſpecial motive to the " court to grant it."---*Ditto*, 114.

" If it appears that any man hath injury or wrong " by his impriſonment, we have power to deliver " and diſcharge him;—if otherwiſe, *he is to be re-* " *manded* by us to priſon again."—*Lord Ch. J. Hyde*, *State Trials*, vii. 1115.

" The ſtatute of Weſtminſter was eſpecially for " direction to the Sheriffs and others; but to ſay " courts of juſtice are excluded from this ſtatute, " I conceive it cannot be."—*Attorney-General Heath*, *Ditto*, 132.

" The court, upon view of the return, judgeth " of the ſufficiency or inſufficiency of it. If they " think the priſoner *in law* to be *bailable*, he is com- " mitted to the Marſhal and bailed; if not, he is " remanded."—Through the whole debate, the objection on the part of the priſoner was, that no cauſe of commitment was expreſſed in the warrant; but it was uniformly admitted by their counſel, that if the cauſe of commitment had been expreſſed for treaſon or felony, the court would then have done right in remanding them.

The Attorney-General having urged, before a committee of both houſes, that, in Beckwith's caſe and others, the lords of the council ſent a letter to the

the court of King's-Bench to bail, it was replied by the managers of the house of commons, that this was of no moment; "for that either the prisoner "was *bailable by the law*, or *not bailable*.—If baila- "ble by the law, then he was to be bailed without "any such letter;—if not bailable by the law, then "plainly the judges could not have bailed him upon "the letter, without breach of their oath, which is, "*that they are to do justice according to the law, &c.*" *State Trials*, vii. 175.

"So that in bailing upon such offences of the "highest nature, a kind of discretion, rather than "a constant law, hath been exercised, when it stands "*wholly indifferent* in the eye of the court, whether "the prisoner be guilty or not." *Selden, St. Tr.* vii. 230. 1.

"I deny that a man is always bailable when impri- "sonment is imposed upon him for custody." *Attorney-General Heath, ditto*, 238.—By these quotations from the State Trials, though otherwise not of authority, it appears plainly, that in regard to *bailable* or *not bailable*, all parties agreed in admitting one proposition as incontrovertible.

"In relation to capital offences, there are especi- "ally these acts of parliament that are the common "*landmarks** touching offences bailable or not baila- "ble." *Hale*, ii. *P. C.* 127. The enumeration includes the several acts cited in this paper.

"Persons taken with the *manœuvre* are not baila- "ble, because it is *furtum manifestum*." *Hale*, ii. *P. C.* 133.

"The writ of *habeas corpus* is of a high nature: "for if persons be wrongfully committed, they are "to be discharged upon this writ returned; or, if "bailable, they are to be bailed;—*if not bailable, they are to be committed.*" *Hale*, ii. *P. C.* 143.

This

* It has been the study of Lord Mansfield to remove landmarks.

This doctrine of Lord Chief Juſtice Hale refers immediately to the ſuperior courts from whence the writ iſſues.—" After the return is filed, the court is " either to diſcharge, or bail, or *commit* him, as the nature of the cauſe requires." *Hale*, ii. *P. C.* 146.

" If bail be granted *otherwiſe than the law allow-* " *eth*, the party that alloweth the ſame ſhall be fined, " impriſoned, render damages, or forfeit his place, " as the caſe ſhall require." *Seldon by N. Bacon*, 182.

" This induces an abſolute neceſſity of expreſſing, " upon every commitment, the reaſon for which it " is made; that the court, upon a *habeas corpus*, " may examine into its validity, and, *according to* " *the circumſtances of the caſe*, may diſcharge, admit " to bail, or *remand* the priſoner." *Blackſtone*, iii. 133.

" Marriot was committed for forging indorſe- " ments upon bank-bills, and upon a *habeas corpus* " was bailed, becauſe the crime was only a great " miſdemeanor;—for though the forging the bills " be felony, yet forging the indorſement is not." *Salkeld*, i. 104.

" Appell de Mahem, &c. ideo ne fuit leſſe á baille, " nient plus que in appell de robbery ou murder; " quod nota, et que in robry et murder le partie " n'ſt baillable." *Bro Mainpriſe*, 67.

" The intendment of the law in bails is, *Quod* " *ſtat indifferenter*, whether he be guilty or no; but " when he is convict by verdict or confeſſion, then " he muſt be deemed in law to be guilty of the fe- " lony, and therefore *not bailable at all*." *Coke*, ii. *Inſt.* 188.—iv. 178.

" Bail is *quando ſtat indifferenter*, and *not* when " the offence is open and manifeſt." ii. *Inſt.* 189.

" In this caſe, *non ſtat indifferenter* whether he " be guilty or no; being taken with the *maner*;

" that

" that is, with the thing ſtolen, as it were in his " hand." *Do. Do.*

" If it appeareth that this impriſonment be juſt " and lawful, he *ſhall* be *remanded* to the former " gaoler; but if it ſhall appear to the court that he " was impriſoned againſt the law of the land, they " ought, by force of this ſtatute, to deliver him; if " it be *doubtful* and under conſideration, he may be " bailed." ii *Inſt.* 55.

It is unneceſſary to load the reader with any farther quotations. If theſe authorities are not deemed ſufficient to eſtabliſh the doctrine maintained in this paper, it will be in vain to appeal to the evidence of law-books, or to the opinions of judges. They are not the authorities by which Lord Mansfield will abide. He aſſumes an arbitrary power of doing right; and if he does wrong, it lies only between God and his conſcience.

Now, my Lord, although I have great faith in the preceding argument, I will not ſay that every minute part of it is abſolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reaſon, in which a cunning quibbling attorney might not diſcover a flaw. But, taking the whole of it together, I affirm, that it conſtitutes a maſs of demonſtration, than which nothing more complete or ſatisfactory can be offered to the human mind. How an evaſive, indirect reply will ſtand with your reputation, or how far it will anſwer, in point of defence, at the bar of the houſe of Lords, is worth your conſideration. If, after all that has been ſaid, it ſhould ſtill be maintained, that the court of King's-Bench, in bailing felons, are exempted from all legal rules whatſoever; and that the judge has no direction to purſue but his private affections,

affections, or mere unqueſtionable will and pleaſure, it will follow plainly, that the diſtinction between *bailable* and *not bailable*, uniformly expreſſed by the legiſlature, current through all our law-books, and admitted by all our great lawyers without exception, is in one ſenſe a nugatory, in another a pernicious, diſtinction. It is nugatory, as it ſuppoſes a difference in the bailable quality of offences, when, in effect, the diſtinction refers only to the rank of the magiſtrate. It is pernicious, as it implies a rule of law, which yet the judge is not bound to pay the leaſt regard to; and impreſſes an idea upon the minds of the people, that the judge is wiſer and greater than the law.

It remains only to apply the law, thus ſtated, to the fact in queſtion. By an authentic copy of the *mittimus* it appears, that John Eyre was committed for felony, plainly and ſpecially expreſſed in the warrant of commitment. He was charged before Alderman Halifax, by the oath of Thomas Fielding, William Holder, William Payne, and William Naſh, for *feloniouſly ſtealing* eleven quires of writing-paper, value ſix ſhillings, the property of Thomas Beach, &c. By the examinations upon oath of the four perſons mentioned in the *mittimus*, it was proved, that large quantities of paper had been miſſed, and that eleven quires (previouſly marked from a ſuſpicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the ſame manner, were found at his lodgings; and after he had been ſome time in Wood-ſtreet Compter, a key was found in his room there, which appeared to be a key to the cloſet at Guildhall, from whence the paper was ſtolen. When aſked what he had to ſay in his defence, his only anſwer was, *I hope you will bail me.* Mr. Holder, the clerk, replied, *That is impoſſible. There never was an inſtance of it, when the ſtolen goods were*

were found upon the thief. The Lord Mayor was then applied to, and refuſed to bail him. Of all theſe circumſtances it was your duty to have informed yourſelf minutely. The fact was remarkable; and the chief magiſtrate of the city of London was known to have refuſed to bail the offender. To juſtify your compliance with the ſolicitations of your three countrymen, it ſhould be proved that ſuch allegations were offered to you, in behalf of their aſſociate, as honeſtly and *bona fide* reduced it to a matter of doubt and indifference whether the priſoner was innocent or guilty. Was any thing offered by the Scotch triumvirate that tended to invalidate the poſitive charge made againſt him by four credible witneſſes upon oath? Was it even inſinuated to you, either by himſelf or his bail, that no felony was committed;—or that *he* was not the felon;—that the ſtolen goods were *not* found upon him;—or that he was only the receiver, not knowing them to be ſtolen?—Or, in ſhort, did they attempt to produce any evidence of his inſanity? To all theſe queſtions I anſwer for you, without the leaſt fear of contradiction, poſitively NO. From the moment he was arreſted, he never entertained any hope of acquittal; therefore thought of nothing but obtaining bail, that he might have time to ſettle his affairs, convey his fortune into another country, and ſpend the remainder of his life in comfort and affluence abroad. In this prudential ſcheme of future happineſs, the Lord Chief Juſtice of England moſt readily and heartily concurred. At ſight of ſo much virtue in diſtreſs, your natural benevolence took the alarm. Such a man as Mr. Eyre, ſtruggling with adverſity, muſt always be an intereſting ſcene to Lord Mansfield—Or was it that liberal anxiety, by which your whole life has been diſtinguiſhed, to enlarge the liberty of the ſubject?—My Lord, we did not want

this

this new inſtance of the liberality of your principles. We already knew what kind of ſubjects they were for whoſe liberty you were anxious. At all events, the public are much indebted to you for fixing a price at which felony may be committed with impunity. You bound a felon, notoriouſly worth 30,000l. in the ſum of 300l. With your natural turn to equity, and knowing as you are in the doctrine of precedents, you undoubtedly meant to ſettle the proportion between the fortune of the felon and the fine, by which he may compound for his felony. The ratio now upon record, and tranſmitted to poſterity under the auſpices of Lord Mansfield, is exactly one to a hundred.—My Lord, without intending it, you have laid a cruel reſtraint upon the genius of your countrymen. In the warmeſt indulgence of their paſſions, they have an eye to the expence; and if their other virtues fail us, we have a reſource in their œconomy.

By taking ſo trifling a ſecurity from John Eyre, you invited and manifeſtly exhorted him to eſcape. Although, in bailable caſes, it be uſual to take four ſecurities, you left him in the cuſtody of three Scotchmen, whom he might have eaſily ſatisfied for conniving at his retreat. That he did not make uſe of the opportunity you induſtriouſly gave him, neither juſtifies your conduct, nor can it be any way accounted for but by his exceſſive and monſtrous avarice. Any other man but this boſom-friend of three Scotchmen, would gladly have ſacrificed a few hundred pounds, rather than to ſubmit to the infamy of pleading guilty in open court. It is poſſible indeed that he might have flattered himſelf, and not unreaſonably, with the hopes of a pardon. That he would have been pardoned, ſeems more than probable, if I had not directed the public attention to the leading ſtep you took in favour of him. In the pre-

ſent gentle reign, we well know what uſe has been made of the lenity of the court, and of the mercy of the crown. The Lord Chief Juſtice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother *Smythe* browbeats a jury, and forces them to alter their verdict, by which they had found a Scotch ſergeant guilty of murder; and though the Kennedies were convicted of a moſt deliberate and atrocious murder, they ſtill had a claim to the royal mercy. They were ſaved by the chaſtity of their connections. They had a ſiſter; yet it was not her beauty, but the pliancy of her virtue, that recommended her to the King. The holy Author of our religion was ſeen in the company of ſinners; but it was his gracious purpoſe to convert them from their ſins. Another man, who in the ceremonies of our faith might give leſſons to the great enemy of it, upon different principles, keeps much the ſame company. He advertiſes for patients, collects all the diſeaſes of the heart, and turns a royal palace into an hoſpital for incurables. A man of honour has no ticket of admiſſion at St. James's. They receive him like a virgin at the Magdalen's; *Go thou and do likewiſe.*

My charge againſt you is now made good. I ſhall however be ready to anſwer or to ſubmit to fair objections. If, whenever this matter ſhall be agitated, you ſuffer the doors of the houſe of Lords to be ſhut, I now proteſt, that I ſhall conſider you as having made no reply. From that moment, in the opinion of the world, you will ſtand ſelf-covicted. Whether your reply be quibbling and evaſive, or liberal and in point, will be matter for the judgment of your peers; but if, when every poſſible idea of diſreſpect to that noble houſe (in whoſe honour and juſtice the nation implicitly confides) is here moſt ſolemnly

ſolemnly diſclaimed, you ſhould endeavour to repreſent this charge as a contempt of their authority, and move their Lordſhips to cenſure the publiſher of this paper, I then affirm that you ſupport injuſtice by violence, that you are guilty of a heinous aggravation of your offence, and that you contribute your utmoſt influence to promote, on the part of the higheſt court of judicature, a poſitive denial of juſtice to the nation.

LETTER LXIX.

TO THE RIGHT HON. LORD CAMDEN.

My Lord,

I Turn with pleaſure from that barren waſte, in which no ſalutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification. I call upon you, in the name of the Engliſh nation, to ſtand forth in defence of the laws of your country, and to exert, in the cauſe of truth and juſtice, thoſe great abilities with which you were intruſted for the benefit of mankind. To aſcertain the facts ſet forth in the preceding paper, it may be neceſſary to call the perſons mentioned in the *mittimus* to the bar of the houſe of Lords. If a motion for that purpoſe ſhould be rejected, we ſhall know what to think of Lord Mansfield's innocence. The legal argument is ſubmitted to your Lordſhip's judgment. After the noble ſtand you made againſt Lord Mansfield upon the queſtion of libel, we did expect that you would not have ſuffered that matter to have remained undetermined. But it was ſaid that Lord Chief Juſtice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was ſuppoſed to make againſt you; and we admit of the excuſe.

When ſuch deteſtable arts are employed to prejudge a queſtion of right, it might have been imprudent, at that time, to have brought it to a deciſion. In the preſent inſtance, you will have no ſuch oppoſition to contend with. If there be a judge, or a lawyer of any note in Weſtminſter-hall, who ſhall be daring enough to affirm, that, according to the true intendment of the laws of England, a felon, taken with the *maner*, *in flagrante delicto*, is bailable; or that the diſcretion of an Engliſh judge is merely arbitrary, and not governed by rules of law;—I ſhould be glad to be acquainted with him. Whoever he be, I will take care that he ſhall not give you much trouble. Your Lordſhip's character aſſures me that you will aſſume that principal part, which belongs to you, in ſupporting the laws of England againſt a wicked judge, who makes it the occupation of his life to miſinterpret and pervert them. If you decline this honourable office, I fear it will be ſaid, that, for ſome months paſt, you have kept too much company with the Duke of Grafton. When the conteſt turns upon the interpretation of the laws, you cannot, without a formal ſurrender of all your reputation, yield the poſt of honor even to Lord Chatham. Conſidering the ſituation and abilities of Lord Mansfield, I do not ſcruple to affirm, with the moſt ſolemn appeal to God for my ſincerity, that, in my judgment, he is the very worſt and moſt dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to puniſhment. But mine is an inferior miniſterial office in the temple of juſtice: I have bound the victim, and dragged him to the altar.

JUNIUS.

THE

THE Reverend Mr. John Horne having, with his uſual veracity and honeſt induſtry, circulated a report, that Junius, in a letter to the Supporters of the Bill of Rights, had warmly declared himſelf in favour of long parliaments and rotten boroughs, it is thought neceſſary to ſubmit to the public the following extract from his letter to John Wilkes, Eſq. dated the 7th of September 1771, and laid before the Society on the 24th of the ſame month.

"WITH regard to the ſeveral articles, taken ſe-
"parately, I own I am concerned to ſee, that the
"great condition which ought to be the *ſine quâ*
"*non* of parliamentary qualification, which ought to
"be the baſis (as it aſſuredly will be the only ſupport)
"of every barrier raiſed in defence of the conſtitu-
"tion, I mean *a declaration upon oath to ſhorten the*
"*duration of parliaments*, is reduced to the fourth
"rank in the eſteem of the Society; and, even in
"that place, far from being inſiſted on with firmneſs
"and vehemence, ſeems to have been particularly
"ſlighted in the expreſſion, *You ſhall endeavour to*
"*reſtore annual parliaments!* Are theſe the terms
"which men, who are in earneſt, make uſe of,
"when the *ſalus reipublicæ* is at ſtake? I expected
"other language from Mr. Wilkes. Beſides my
"objection in point of form, I diſapprove highly of
"the meaning of the fourth article as it ſtands.
"Whenever the queſtion ſhall be ſeriouſly agitated,
"I will endeavour (and if I live will aſſuredly at-
"tempt it) to convince the Engliſh nation, by argu-
"ments to *my* underſtanding unanſwerable, that they
"ought to inſiſt upon a triennial, and baniſh the
"idea of an annual, parliament. I
"am convinced, that, if ſhortening the duration of
"parliaments (which in effect is keeping the repre-
"ſentative under the rod of the conſtituent) be not

" made the baſis of our new parliamentary juriſpru-
" dence, other checks or improvements ſignify
" nothing. On the contrary, if this be made the
" foundation, other meaſures may come in aid, and,
" as auxiliaries, be of conſiderable advantage. Lord
" Chatham's project, for inſtance, of increaſing the
" number of knights of ſhires, appears to me admi-
" rable. . . . . As to cutting away the rotten
" boroughs, I am as much offended as any man at
" ſeeing ſo many of them under the direct influence
" of the crown, or at the diſpoſal of private perſons.
" Yet, I own, I have both doubts and apprehenſions
" in regard to the remedy you propoſe. I ſhall be
" charged, perhaps, with an unuſual want of politi-
" cal intrepidity, when I honeſtly confeſs to you,
" that I am ſtartled at the idea of ſo extenſive an am-
" putation. In the firſt place, I queſtion the power,
" *de jure*, of the legiſlature to disfranchiſe a number
" of boroughs, upon the general ground of improv-
" ing the conſtitution. There cannot be a doctrine
" more fatal to the liberty and property we are con-
" tending for, than that which confounds the idea of
" a *ſupreme* and *arbitrary* legiſlature. I need not
" point out to you the fatal purpoſes to which it has
" been, and may be, applied. If we are ſincere in
" the political creed we profeſs, there are many things
" which we ought to affirm cannot be done by King,
" Lords, and Commons. Among theſe I reckon the
" disfranchiſing of boroughs with a general view of
" improvement. I conſider it as equivalent to robbing
" the parties concerned, of their freehold, of their
" birth-right. I ſay, that although this birth-right
" may be forfeited, or the exerciſe of it ſuſpended in
" particular caſes, it cannot be taken away by a general
" law, for any real or pretended purpoſe of improving
" the conſtitution. Suppoſing the attempt made, I
" am perſuaded you cannot mean that either King,

or

" or Lords, ſhould take an active part in it. A bill, " which only touches the repreſentation of the peo- " ple, muſt originate in the houſe of commons. In " the formation and mode of paſſing it, the exclu- " ſive right of the commons muſt be aſſerted as ſcru- " pulouſly as in the caſe of a money-bill. Now, " Sir, I ſhould be glad to know by what kind of " reaſoning it can be proved, that there is a power " veſted in the repreſentative to deſtroy his immedi- " ate conſtituent? From whence could he poſſibly " derive it? A courtier, I know, will be ready to " maintain the affirmative. The doctrine ſuits him " exactly, becauſe it gives an unlimited operation to " the influence of the crown. But we, Mr. Wilkes, " ought to hold a different language. It is no anſwer " to me to ſay, that the bill, when it paſſes the houſe " of commons, is the act of the majority, and not " the repreſentatives of the particular boroughs con- " cerned. If the majority can disfranchiſe ten bo- " roughs, why not twenty? why not the whole " kingdom? Why ſhould not they make their " own ſeats in parliament for life?—When the ſep- " tennial act paſſed, the legiſlature did what, appa- " rently and palpably, they had no power to do: but " they did more than what people in general were " aware of; they, in effect, disfranchiſed the whole " kingdom for four years.

" For argument's ſake, I will now ſuppoſe that " the expediency of the meaſure and the power of " parliament are unqueſtionable. Still you will find " an inſurmountable difficulty in the execution.— " When all your inſtruments of amputation are pre- " pared—when the unhappy patient lies bound at " your feet, without the poſſibility of reſiſtance— " by what infallible rule will you direct the opera- " tion? When you propoſe to cut away the *rotten* " parts, can you tell us what parts are perfectly

" *ſound?*

" *found?* Are there any certain limits in fact or " theory, to inform you at what point you muſt ſtop, " at what point the mortification ends? To a man " ſo capable of obſervation and reflection as you are, " it is unneceſſary to ſay all that might be ſaid upon " the ſubject. Beſides that I approve highly of " Lord Chatham's idea *of infuſing a portion of new* " *health into the conſtitution to enable it to bear its in-* " *firmities* (a brilliant expreſſion, and full of intrin- " ſic wiſdom) other reaſons concur in perſuading " me to adopt it. I have no objection, &c."

The man who fairly and completely anſwers this argument ſhall have my thanks and my applauſe. My heart is already with him. I am ready to be converted. I admire his morality, and would gladly ſubſcribe to the articles of his faith. Grateful as I am to the GOOD BEING, whoſe bounty has imparted to me this reaſoning intellect, whatever it is, I hold myſelf proportionably indebted to him from whoſe enlightened underſtanding another ray of knowledge communicates to mine. But neither ſhould I think the moſt exalted faculties of the human mind a gift worthy of the Divinity, nor any aſſiſtance in the improvement of them a ſubject of gratitude to my fellow-creature, if I were not ſatisfied, that really to inform the underſtanding corrects and enlarges the heart.

JUNIUS.

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FINIS.

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A curious political ANECDOTE.

AT the cloſe of JUNIUS's political warfare, Mr. *Garrick* received a note in his dreſſing-room from the preſent Mr. Henry Sampſon Woodfall, informing him, that the Public Advertiſer of that day, contained the laſt letter that would be publiſhed by that very celebrated writer.—Convinced that the tidings of ſuch an event would be highly acceptable at *Buckingham Houſe*, Mr. Garrick inſtantly wrote to Mr. *Ramus*, then *royal factotum*, as follows:

" My dear *Ramus*,

" JUNIUS *writes no more*!

" Your's, ever truly,

D. G."

BRITISH MUSEUM 8 DE 68

Mr. *Ramus*, as may be ſuppoſed, loſt not a moment's time in conveying this agreable intelligence to the Sovereign's ear, and that with the utmoſt privacy: notwithſtanding which, Mr. *Garrick*, to his unſpeakable aſtoniſhment received the following letter, the next day, in the *identical hand-writing* of JUNIUS: for which extraordinary circumſtance he was unable to account to the day of his death.

C O P Y.

SIR, *Monday.*

" Your prudential habits might have prevented
" you from becoming the unneceſſary intelligencer
" of my deſigns.—I ſtood not in need of your
" offices to proclaim my intentions. Probably
" the meaſure was ſuggeſted by ſome perſonal
" vanity: in that caſe, you ſhall not long re-
" main ungratified: for having done with the
" baneful politics of Princes, I have now full
" leiſure to deſcend to the mimic monarchs of the
" ſtage."

JUNIUS."

ing by purchase or sell advowsons, or raise money upon their Livings: Officers of the Army and Marines wanting to purchase or sell commissions, or raise money on their pay, may be accommodated to any amount upon the most liberal terms, by applying personally, or by letter (post-paid) to Mr. W. at the Agency Office, No. 24, the front house at the top of Suffolk-street, Charing-cross.

Ladies and gentlemen inclined to vest money in real temporary and permanent securities, will always meet with the greatest variety of undeniable securities at this office. Every branch of agency business transacted with fidelity and dispatch. The highest prices given for well secured annuties.

CAKES FOR SHINING LIQUID BLACKING FOR SHOES, BOOTS, &c.

THESE CAKES make, by the Addition of water only, a most excellent shining liquid blacking, much superior to any thing known: it gives the finest black, and most beautiful gloss to the leather, yet never renders it stiff or hard, but, on the contrary, prevents its cracking, and preserves it soft and pliable to the very last, whereby it is rendered more agreeable to the wearer, as well as much more durable; and the shoes that are blacked with it will neither soil the fingers in putting on, nor the stocking in wearing.

Sold wholesale and retail, only by BAYLEY and LOWE, Perfumers, in Cockspur-street, London. Price 6d. each cake.

*** The Patentee intreats all persons, who are curious in blacking, to take the trouble of seeing that the cakes bought for their use have a label pasted on them, with the following inscription: "BY THE KING'S PATENT, CAKES for shining Liquid Blacking, prepared by WILLIAM BAYLEY, Cockspur-street," who having discovered their great reputation has occasioned many people to counterfeit them, and impose on the public, he hopes this caution will be attended to.

PATNA RICE.

THE Nobility and Gentry are most respectfully informed, that they may be supplied with any quantity of very fine Patna Rice, of the fine pincushion sort, in parcels of 14lb. 28lb. 56lb. and 112lb. at Pressey's Grocery Warehouse, Henrietta-street, Covent-Garden.

Mr. Pressey having purchased the whole of the East India Company's last Sale of Rice, (three lots excepted) as does appear by the books at the India-house, he is therefore determined to supply families with it at very low prices; part he has cleared at home, and is ready for delivery, or may be had from the India-house in any quantity, not less than a bag.—He has likewise a large quantity of fine India Mangoes, Bamboo Pickle, Japan Soy, true Curry Powder, Chili Vinegar, Cherokee Sauce; Paddy, Preserved Nutmegs, Preserved East and West India Ginger, Preserved Tamarinds, Calcari Paste,